DANISH DEMINING GROUP

CONFLICT ASSESSMENT / 2014
NORTHERN KENYA AND SOMALILAND

WRITTEN FOR DANISH DEMINING GROUP BY DR. KEN MENKHAUS, FEBRUARY 2015

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DANISH DEMINING GROUP

Founded in 1997, the Danish Demining Group (DDG) is a specialised unit within the Danish Refugee Council. DDG works in more than 17 countries with the mission "to recreate a safe environment where people can live without the threat of landmines, explosive remnants of war, and small arms and light weapons".

Since 2008, DDG is applying a comprehensive approach to armed violence reduction under which the increasing problem of armed violence is addressed in five areas of intervention at mainly community, local and national levels. Each intervention area has a clear outcome and impact focus:

- Security Governance: Enhancing Civic engagement in and influence over security governance
- Security Provision: Strengthening effective, accountable and responsive security provision
- Small arms and light weapons (SALW) management: Reducing the incidents with SALW
- Mine Action: Reducing the incidents with mines and explosive remnants of war; and increasing the use of productive land
- Conflict Prevention and Transformation: Strengthening effective conflict prevention and transformation.

Photographs by Axel Fassio / Pete Muller

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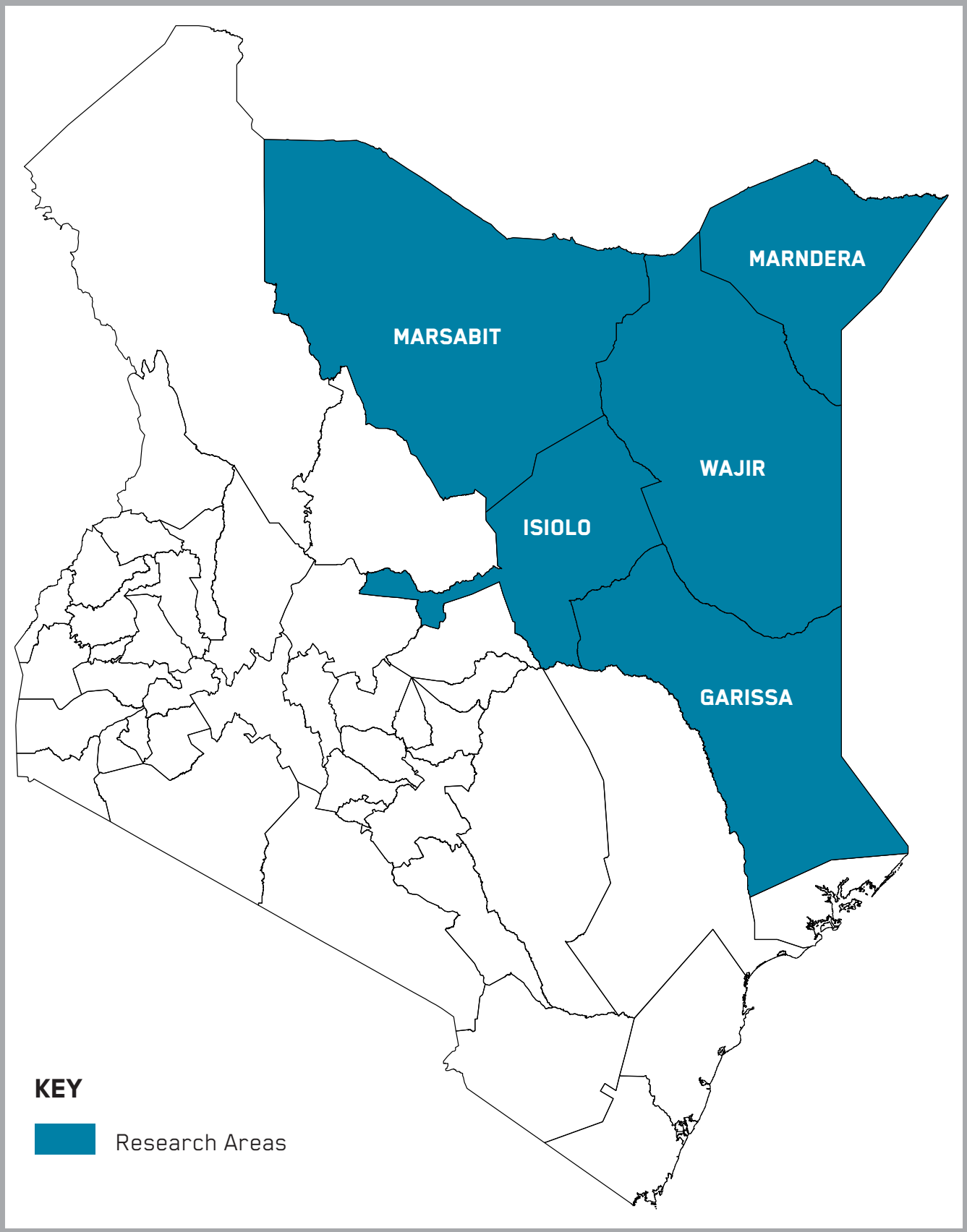
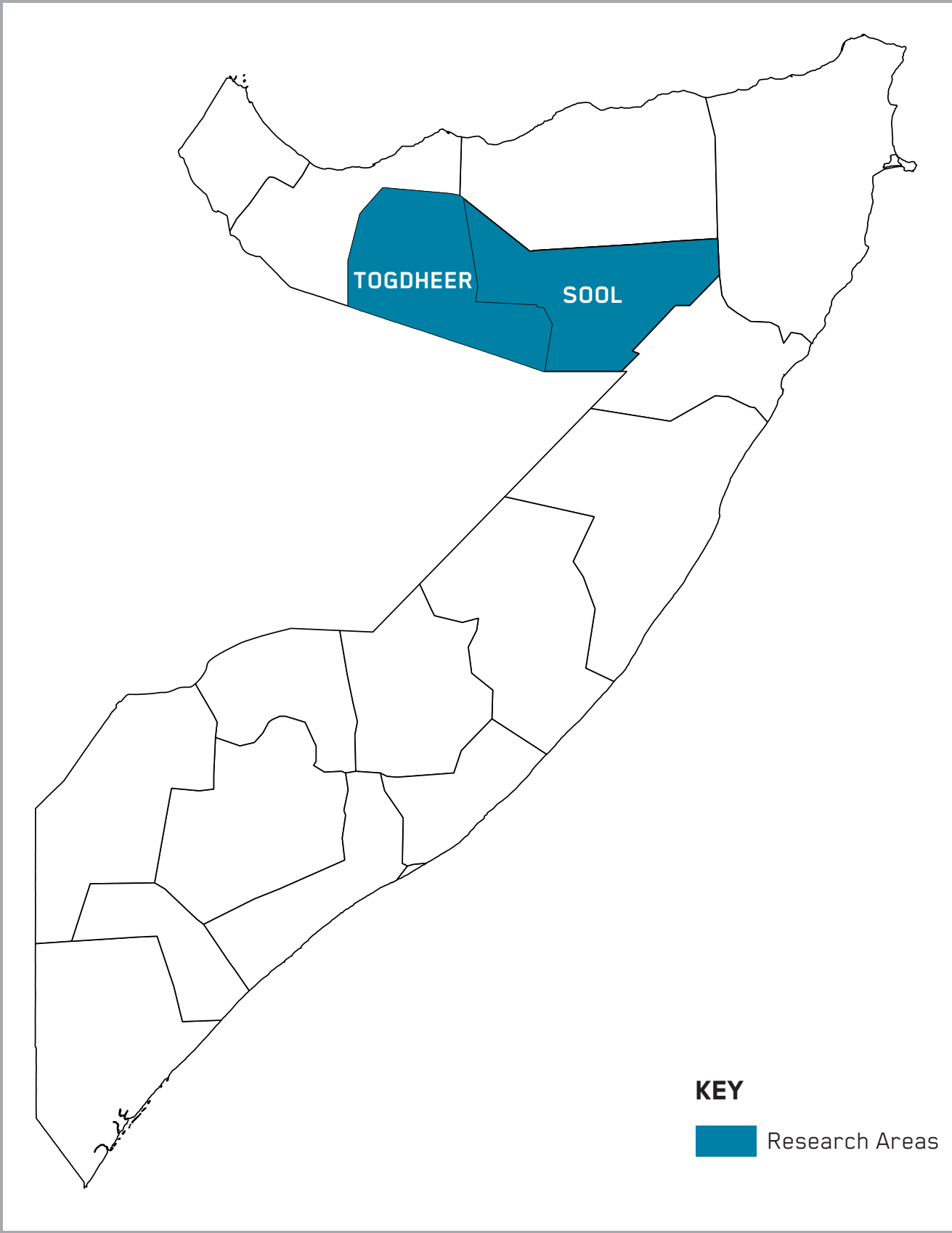
EXECUTIVE SUMMARY

- Both eastern Somaliland and northern Kenya are experiencing spikes in political and social tensions, armed conflict, and communal clashes, and, in the case of northern Kenya, violent extremism.
- Available evidence suggests that the trend toward greater levels of armed conflict is likely to intensify with the arrival of a combination of transformational changes in the regional political economy, including new county budget lines in northern Kenya and possible oil windfall revenues in both northern Kenya and Somaliland.
- These changes are injecting or may inject substantial levels of new revenue into the national and regional economies, dramatically increasing the stakes over who controls local and national governments.
- This anticipated influx of new revenue into state coffers is occurring in a context of poor economic governance, contested communal claims over rights to resources and revenues, and, in the case of northern Kenya, a new devolved political system with no established "rules of the game". This is a dangerous combination and increases the odds that both regions could suffer destabilising levels of armed conflict.
- Oil exploration is already setting in motion local reactions, including speculative land-grabbing, that increase the odds of violent conflict even if actual oil extraction is not viable in some areas.
- Oil exploration may aggravate existing conflict issues, including contested communal and political borders, grievances over job and contract allocation, local anxiety over land loss, land-grabbing, disputed allocation of oil revenues to local constituencies, in-migration, and control over elected government positions.
- In northern Kenya, large new county budgets have increased the stakes surrounding elections for top county positions. The political elite has successfully mobilised clans and tribes to vote in blocs to maximise odds of controlling county government revenues, and, as a result, elections are more likely to generate politically driven communal violence.
- Major new development projects associated with Vision 2030 are generating potential both for expanded economic opportunity and for armed conflict across northern Kenya, as they exacerbate tensions over communal and county claims to valuable land.
- Pastoral poverty, urban drift, and high urban unemployment in both eastern Somaliland and northern Kenya contribute to social frustrations that can facilitate recruitment of young men into armed criminal, tribal, or insurgency groups. The enormous refugee population in northern Kenya is an additional site of social frustration and recruitment.
- Much of the worst communal and political violence in both regions can be traced back to violence entrepreneurs, including some individuals in positions in the government and others in the diaspora, who stoke communal tension and incite violence to advance their own political and economic interests.
- Land disputes – conflicting communal claims over rangeland, private claims on rangeland, land grabbing, disputed and corrupted land titling systems in urban and peri-urban areas, and contested county borders – remain a major underlying cause of conflict.
- While local resilience to conflict drivers in these areas has been very impressive over the past decade, it is now under unprecedented strain and is poorly equipped to deal with the new conflict dynamics in play.
- In both locations, oil risks becoming a "resource curse" unless stronger social compacts are brokered between communities on land and resources; greater levels of trust are built between peripheral communities and the state; and more robust political regimes governing resource allocation and accountability are forged.
- Violent extremism, in the form of Al Shabaab and its Kenyan affiliate, Al Hijra, is a rapidly mounting source of political violence in northern Kenya and a potential threat in eastern Somaliland. Oil extraction sites and related infrastructure, along with security sector personnel, civil servants, foreigners, and non-Muslim Kenyans, will all be attractive targets for these groups. This violence may deter investment in northern Kenya and is already impeding the retention of professional Kenyans engaged in health, education, and other vital sectors.
- In the past, government security forces in northern Kenya have at times engaged in collective punishment and abusive behaviour. For local populations, such operations have been more a source of insecurity than protection.
- One of the principal sources of resilience to drivers of armed violence in both Kenya and Somaliland has been their vibrant democracies, which allow grievances to be articulated and addressed through non-violent political processes. The governments of Kenya and Somaliland have, however, recently pursued policies and passed laws that risk eroding civil liberties in the name of national security. When abused, expanded state security, for whatever reasons, may exacerbate local grievances against the state and increase the risk of insurgency.

MAP / NORTHERN KENYA



MAP / SOMALILAND



1. INTRODUCTION

1.1 PURPOSE OF THE STUDY

This study assesses the conflict dynamics in two regions of the eastern Horn of Africa, namely, five counties in northern Kenya[1] and Sool and southern Togdheer[2] regions of Somaliland. This study considers the full range of actual and potential causes of conflict in the two areas, as well as conflict dynamics in the wider region, but it pays particular attention to the role of hydrocarbon exploration.[3] The study also provides policy recommendations for mitigating the risks of armed conflict and building local resilience to conflict drivers.

Both Kenya and Somalia/Somaliland have been the subject of numerous conflict assessments over the past fifteen years.[4]This body of work provides an excellent set of baseline data on structural cases of conflict, as well as recent peace and conflict trends. But "game-changing" transformations taking place in both Kenya and Somaliland in the past several years warrant a fresh look at regional vulnerabilities to violent conflict. Hydrocarbon exploration, political devolution, increased terrorist activity by Al Shabaab, major new development projects, Kenyan armed intervention in Somalia, Kenyan counter-insurgency operations inside its own borders, and the creation of a post-transitional government in Somalia are among the many factors that are reshaping the social, security, and political contexts of the regions in question. Some of these developments have the potential to advance peace and stability, while others may, in the wrong combination, constitute new conflict drivers.

Kenya and Somalia/Somaliland have also been the subjects of recent analyses projecting the likely impact of hydrocarbon extraction on regional economies and politics.[5] Most of this literature focuses on the broad question of whether oil revenues will serve to catalyse development in the region, or become a "resource curse" for regional states. Less attention has been paid to the likely impact of hydrocarbon exploration and extraction on peace and conflict at the local level. This study provides a more granular investigation of that question, by exploring current and expected impact of hydrocarbon exploration at the county or local level.

1.2 RESEARCH FRAMEWORK AND METHODOLOGY

The report integrates a desk study of existing research and media coverage with extensive field interviews conducted in the localities under investigation. The desk study component of this paper synthesised four sources of analysis:

- Literature on conflict dynamics in the region;
- Research on oil and its impact in East Africa;
- Reports and analyses of socio-political dynamics in the specific counties and regions under study, including media coverage as well as international NGO and UN security reports; and
- Assessments of recent changes in national political contexts in both Kenya and Somaliland.

Based on the literature review, a set of research questions were produced and provided to field researchers.

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[1] The counties are Isiolo, Marsabit, Mandera, Wajir, and Garissa.

[2] A new region, Saraar, has been created by the Somaliland government out of southeastern portions of Togdheer and western portions of Sool region. Puntland, which contests this area, has also declared southeast Togdheer a separate region, calling it Cayn region. A local movement to declare an autonomous state with links to neither Somaliland nor Puntland has declared a Khatumo state that includes both southeastern Togdheer and all other territory inhabited by the Dolbahante clan.This report takes no position on the competing political claims over the disputed territory and our selection of terminology to describe place names in the area should not be construed as endorsements of any political claim on the territory.

[3] Hydrocarbons merit special attention in part because of the research findings of many scholars on the so-called "resource curse." Collier and Hoeffler found that high levels of primary product export dependence are correlated with armed conflict (2000), followed by studies by Fearon and Laitin and de Soysa and Neumayer, indicating oil exports in particular are positively associated with armed conflict. Reviewing this literature, DiJohn raises cautions about the link between late developers, oil exports, rentier states and armed conflict, reminding readers that the evidence is actually more mixed. See Paul Collier and Anke Hoeffler, "Greed and Grievance in Civil War," (Washington DC: World Bank Policy Research Paper 2355, May 2000); James Fearon and David Laitin, "Ethnicity, Insurgency and Civil War," *American Political Science Review* 97, 1 (2003), pp. 75-90; Indra de Soysa and Eric Neumayer, "Resource Wealth and the Risk of Civil War Onset," *Conflict Management and Peace Science* 24 (2007), pp. 201-18; and Jonathan DiJohn, *Mineral resource abundance and violent political conflict: a critical assessment of the rentier state mode*, Crisis States Research Centre working papers series 1, 20 (London: Crisis States Research Centre, London School of Economics and Political Science, 2002).

[4] See for instance James Ndung'u and Manessah Wepundi, "Transition and Reform: People's Peacemaking Perspectives on Kenya's Post-2008 Political Crisis and Lessons for the Future," (Nairobi: Saferworld, March 2012) ; USAID/DFID, "Joint Conflict Vulnerability Assessment for Kenya" (Nairobi, June 2009); Sarah Bayne, "Strategic Conflict Assessment: Kenya"(Nairobi: DFID, 2007); Ken Menkhaus, "Kenya-Somalia Border Conflict Analysis," (Nairobi: DAI for USAID, 2005); and Ken Menkhaus, "Somalia: Conflict Assessment" (Mogadishu, UNOSOM, February 2014).

[5] See for instance Vasquez P, "Kenya at a Crossroads: Hopes and Fears Concerning the Development of Oil and Gas Reserves." *International Development Policy* 5, 2, (2013) pp3-26; Anderson D and Browne A, "The Politics of Oil in Eastern Africa," *Journal of Eastern African Studies* 5,2 (2011), pp369-410; Walls M and Kibble S, "Somalia: Oil and (in)Security," *Review of African Political Economy* 39, 133 (2012), pp525-535; Adam Smith International, "Needs Assessment for the Development of Somalia's Extractive Industries," (Nairobi: Adam Smith International, 2014); and Balthasar D, "Oil in Somalia: Adding Fuel to the Fire?" (Mogadishu: Heritage Institute for Policy Studies, 2014).

In June, August and September 2014, these field researchers, travelled through each of the counties/regions under study and collected additional data through focus group discussions and individual interviews with key informants such as local officials, civil society figures, and business people. The results of the field interviews were then conveyed to the principal writer, who sent follow-up questions to the research team as needed. Finally, the principal writer drew on the field research to enrich and advance the desk study material.

The interviews conducted for this study were especially helpful in capturing local perceptions of conflict drivers, communal relations, expected local benefits from oil extraction, and government performance and trustworthiness. These perceptions, interpretations, belief systems, and competing narratives are accorded attention in the analysis even in instances when they are at variance with empirically grounded observations, on the grounds that local perceptions and beliefs are critical filters that help determine whether communities seek recourse to armed conflict or to peaceful conflict resolution.

These field interviews were not, however, full-scale public opinion surveys and should be considered, at best, a proximate indicator of local attitudes and perceptions. The data gathered during these interviews has been treated accordingly.

1.3 CONFLICT THEORY, CAUSALITY, AND PREDICTION

General literature on causes and drivers of conflict is more developed than was the case two decades ago, providing a much better sense of the factors which render countries vulnerable to armed conflict and civic violence, and which combinations of underlying and precipitating factors are especially dangerous. This advancement in the related literature also allows for a much greater appreciation of sources of local resilience to conflict pressures. Current theories of conflict are more nuanced and less reductionist than those of the past, and they serve as better lenses through which to understand conflict trends. Concepts such as “spoilers” and “resource curse”, which often carry unspoken and untested assumptions, have been scrutinised and refined.

A major study of conflict, security, and development, the World Bank *2011 World Development Report (WDR 2011)*, reviewed and harnessed this increasingly rich set of theories on armed conflict.[6] The findings and observations from the World Bank study serve as a useful framework for this analysis and are drawn on extensively. In particular the study highlights that:

- Contextual factors are key to accurate conflict analysis. The study concludes that “[t]he actual combinations of stresses and the pathways to violent conflict are highly specific to country circumstances”, and this calls for context specific responses.[7]
- Countries and sub-national regions are most vulnerable to armed conflict when “stresses” – especially a lack of security, justice, and employment – occur in a context of weak institutions, low trust, and weak “rules of the game” governing both state and societal interaction.[8]
- Once an area is the site of armed conflict, it is vulnerable to recurring cycles of violence, the resolution of which requires confidence building measures prior to institution-building.[9]
- Violence can increase during rapid institutional transformations.[10]
- Devolution and decentralisation are “important peace-building and state-building activities” but “also carry risks” of corruption, conflict, and elite capture.[11]
- “Inclusive enough” coalitions are an important element in local resilience to conflict drivers.[12]
- Violent organised crime is an especially dangerous source of insecurity and destabilisation in post-conflict settings.[13]
- Resource scarcity – especially land and water – constitutes an especially powerful source of stress on local

[6] World Bank, *World Development Report 2011*: Conflict, Security and Development (Washington: World Bank, 2011).

[7] Ibid p84.

[8] Ibid pp73-95.

[9] Ibid p104.

[10] Ibid p102.

[11] Ibid p166.

[12] Ibid.

[13] Ibid pp54-55

institutions in some conflict-prone areas and may be worsened by the effects of climate change.[14]

- Finally, "strengthening legitimate institutions and governance to provide citizen security, justice, and jobs is crucial to break cycles of violence." [15]

While these and other World Bank findings frame this inquiry into conflict trends in northern Kenya and Somaliland, they do not predetermine the findings of this study. In a number of instances, the trajectory of peace and conflict in northern Kenya and/or Somaliland is at variance with the WDR 2011 findings. But the principal World Bank finding - that high levels of insecurity and economic stress, in a context of weak institutions and poorly defined "rules of the game", render communities more vulnerable to armed conflict – provides a powerful claim to explore in this study.

These recent advances in research on armed conflict and insecurity have made it easier to identify countries and armed conflict or communal violence. But the ability to identify vulnerability is not the same as the ability to predict conflict. Our capacity to predict armed conflict remains modest. Factors correlated with armed conflict may or may not be causes of that armed conflict. The sheer volume of possible causes of or contributors to armed conflict makes it exceptionally difficult to determine which factors under what conditions are true drivers of conflict and which are incidental, which variables are highly correlated with and influence one another (multi-collinearity), and which combinations of underlying and precipitating causes are most volatile. The capacity to determine the robustness of local resilience to conflict pressures and the likelihood that those sources of resilience will be overwhelmed also remains modest.

In the areas under study, several of the most important drivers of change – political devolution, oil exploration and extraction, and major development projects – have the potential either to contribute to peace and development or to inflame violent conflict and political destabilisation. This places a premium on identifying and understanding the specific conditions most likely to enable those drivers of change that facilitate consolidated peace, good governance, and development. This study attempts to undertake that very understanding and identification.

14 Ibid pp229-232.

15 Ibid p2.

2. CONTEXT

The political, security, and economic context of the region covered by this study is shifting rapidly. The region has arguably never seen such dramatic changes in such a short period of time, and these changes have had immediate implications for peace and conflict trends.

Within the nine month period of 2014 during which this study was planned and completed, northern Kenya experienced a new round of communal violence that temporarily displaced 220,000 residents, several major terrorist attacks by Al Shabaab rocked northern Kenya, and the Kenyan parliament approved a new set of security laws with potentially enormous significance for northern Kenyan counties and the 340,000 refugees living there.

Eastern Somaliland has also seen significant changes, mainly in the nature of the political struggle for control of contested territory.

As noted by the WDR 2011, accurate conflict assessments depend on contextual knowledge, and periods of major, potentially transformational change pose challenges to such assessments. The following is an analysis of the continuities that define the context in both northern Kenya and eastern Somaliland, as well as of the drivers of change that are reshaping the peace and conflict landscape of both locations.

2.1 CONTINUITIES

For years, the political and socio-economic contexts of eastern Somaliland and northern Kenya have shared a number of common features:

- Both are remote, rural and arid to semi-arid zones where pastoralism remains the dominant form of livelihood, where conflicts over access to pasture and water are endemic, and where social mechanisms to manage those disputes are routinised and codified in customary law.
- Both are exceptionally poor. Northern Kenyan counties consistently rank among the poorest in Kenya, and available data on income and health from Somaliland suggest that its pastoral areas are one of the poorest zones of Somalia/Somaliland.[16]
- With pastoralism central to both local economies, both societies place great value on mobility and negotiated access to rangeland and water wells. Restricted mobility, for any reason, and the loss of seasonal pasture place great stress on livelihoods.
- Both are Islamic societies and draw extensively on Islamic precepts and clerics to complement customary law.
- Both are historically marginalised peripheries where local populations hold numerous grievances against the state.
- Ethnic groups or clans in both areas view themselves as minorities in the wider national arena, and the respective governments are often suspicious of these groups' loyalties to the state.
- Both are transit areas of vibrant cross-regional trade. Such trade can be both a source of stability, due to business needs for secure roads and markets, and cross-communal business partnerships, and of instability, when business elites opt to use violence as a tool of competition.
- Despite spillover from the much more troubled and violent south-central Somalia, both areas managed to forge relatively durable levels of basic peace and security from the mid-1990s until recently.
- In both, the formal state has played only a minimal role in provision of basic governance and services while enjoying little legitimacy in the eyes of most local populations.
- Both regions are under the administration of central governments struggling with low levels of political institutionalisation, weak rule of law, and high levels of corruption.
- Both exist in a national political environment characterised by democracies featuring a high levels of ethnic bloc voting, in which political contestation is primarily over group claims to and control over key resources, including land, employment, and state revenues.

2.2 MAJOR CHANGES

Major developments are poised to reshape aspects of the political economy of both Kenya and Somaliland. Recent

[16] *Op sit* Vasquez (2013), p17; and UNDP, "Somalia Human Development Report 2012: Empowering Youth for Peace and Development" (Nairobi: UNDP-Somalia, 2012).

assessments of the region routinely echo this theme. "Kenya," one observer recently concluded, "is at a crucial turning point in its history."[17] In a recent study of Somaliland, the World Bank similarly noted that Somaliland faces "potentially transformational changes in the wider political economy."[18]

Whether all of the anticipated changes will actually transpire remains a matter of speculation. The Lamu Port and South Sudan Ethiopia Transport (LAPSSET) projects planned in northern Kenya may or may not materialise as originally envisioned. Oil extraction in particular is fraught with uncertainties about the commercial viability of reserves and the political and logistical hurdles facing extraction. Despite these uncertainties, the very act of hydrocarbon exploration has already initiated a raft of national and local responses, each of which contributes to a reshaping of patterns of land ownership, migration, and power. The presence of other drivers of change, as noted below, demands the question of whether such factors are likely to contribute to peace or conflict. More broadly, assessment of these trends requires discerning what is likely to be transformed, and what will remain unchanged.

The most salient of these potential changes are noted below, and the body of the analysis explore them all in greater depth.

2.2.1 CHANGE IN PERIPHERAL STATUS

Both of these peripheral areas have quickly gained much greater importance to their respective central governments than has been the case in the past. This follows a wider trend across East Africa and the Horn of Africa, where many of the remote, thinly populated, expansive, arid to semi-arid, predominantly pastoral regions largely ignored in the past are now assuming much greater value. This shift can often be attributed to some combination of hydrocarbons, infrastructure development, dams, irrigated agriculture, and security concerns. Moving from what colonial French authorities once called *Afrique inutile* ("useless Africa") to *Afrique utile* ("useful Africa") has seismic implications for the resident populations. On the one hand, it potentially increases their leverage over national affairs and may lead to enhanced government services such as roads, schools and security. By contrast, a situation in which politically weak communities hold suddenly valuable land can attract powerful outside forces – including the state itself – intent on controlling said land, leading to dispossession, disputes, anger, and armed conflict.

2.2.2 HYDROCARBONS

Both northern Kenya and eastern Somaliland are sites of some of the most promising hydrocarbon exploration in East Africa. Northern Kenya is the site of four hydrocarbon basins – Lokichar, Anza, Mandera, and Lamu. Thirteen of the 27 on-shore or partially on-shore blocks the Kenyan government has created fall into a portion of the five counties under investigation. Licenses have been issued to firms for some of these blocks and exploration is underway in sites within all five counties, and oil has been struck in several locations.

The actual amount of oil and natural gas in these basins is still unknown, though industry officials are frequently quoted as estimating that many hundreds of millions of barrels are likely to exist in each basin. The most recent estimate for Kenya as a whole is 2.9 billion barrels, expected to yield revenues to the state in excess of $164 billion.[19] Whether all of these deposits are commercially viable for extraction is, however, unknown at this time. Tullow Oil's finds in Turkana, Kenya are commercially viable and the firm is discussing fast-tracking exploration and moving production up to 2017, but with the recent drop in global oil prices the commercial viability of some of northern Kenya's oil fields may not be commercially viable, at least temporarily.[20]

Nonetheless, growing estimates of proven and unproven oil and natural gas fields, an increase in the number of concessions awarded, and the rapid increase in oil exploration and extraction in East Africa and the Horn have prompted observers to conclude that "an oil bonanza is in the offing"[21] for what is viewed as the world's "last great unexplored oilfield."[22] If some of the higher-end estimates of total oil deposits in northern Kenya are correct, the

[17] Ibid p3

[18] World Bank, "Devolution without Disruption: Pathways to a Successful New Kenya. Executive Summary" (Nairobi: World Bank, 2012), ix.

[19] Institute of Economic Affairs, "Kenya's Extractive Sector Earnings Put at Sh 11.95 Trillion," IEA (8 December 2014) http://www.ieakenya.or.ke/in-the-media/media-coverage/210-kenya-s-extractive-sector-earnings-put-at-sh-11-95-trillion.

[20] ICES, "Kenya Expected to Become Oil Producer by 2017" (16 July 2014) http://ices.or.ke/kenya-to-become-oil-producer-by-2017/; Michira, M., "What Plunge in Oil Prices Means for Kenya's Status as Darling of Emerging Oil Industry," *The Standard* (9 December 2014) http://www.standardmedia.co.ke/business/article/2000144066/what-plunge-in-prices-means-for-kenya-s-status-as-darling-of-emerging-oil-industry.

[21] *The Economist*, "East Africa is in Danger of Throwing Away Part of its New-Found Oil Wealth," (May 25 2013) http://www.economist.com/news/middle-east-and-africa/21578402-east-africa-danger-throwing-away-part-its-new-found-oil.

[22] Walls M, Kibble S, "Somalia: Oil and (in)Security," *Review of African Political Economy* 39 (133) (September 2012), p525.

revenues will indeed be transformational – measured in billions of dollars per year.[23]

Allocation of oil revenue between central government and the producing counties has been a topic of sharp debate in Kenya since oil was struck in Turkana in 2012. It is expected that 15-20% of oil revenues will remain in the county of extraction, which could constitute an extraordinary windfall for those counties, and could transform the local political economy.

In Somaliland, the principal site of oil exploration is the Nugaal basin, which extends from south-central portions of the country through disputed Dolbahante inhabited territory and into neighboring Puntland. This has been a site of interest for oil companies for decades. As with northern Kenya, the actual amount of oil there is still unknown, as is the commercial viability of extracting it. One recent study states that the basin could hold as much as ten billion barrels.[24] Even a fraction of that would constitute a game-changing amount of revenue for impoverished Puntland and Somaliland.

Several major oil companies which secured concessions for block exploration in the 1980s declared *force majeure* with the onset of civil war but maintain claims on those concessions today. In recent years, both Puntland and Somaliland governments have extended concessions to different oil exploration firms on the same blocks, so that as of 2014 some of the disputed areas of the Nugaal Basin have three competing oil firms laying claim to them. This fact has been cited by some analysts to conclude that, even if oil is struck and is commercially viable, legal disputes are likely to hold up oil production in those sections of Somaliland/Puntland for years.

Other blocks, however, fall clearly within portions of Somaliland that are not home to the Dolbahante clan and hence not claimed by either Puntland or Khatumo state. The oil in these zones (mainly in eastern Togdheer or Saraar region) is, however, contested by the Somali Federal Government in Mogadishu, which rejects Somaliland's secession and its right to extend contracts to foreign oil companies. This means that legal action could conceivably delay extraction even in areas of Somaliland not claimed by Puntland or Khatumo state.

Fueling exploration in both northern Kenya and Somaliland are high global prices and declining production in some oil exporting countries. This is making exploration and extraction in "frontier markets" that were previously deemed too risky or costly increasingly attractive.

2.2.3 DEVOLUTION

The new 2010 Constitution of Kenya has advanced the principle of political devolution, which is revolutionising aspects of the Kenyan political economy. The World Bank refers to Kenya's devolution plans as a "dramatic transformation of the Kenyan state", "a critical juncture in the nation's history" and "incredibly ambitious, and therefore commensurately risky".[25] The creation of new counties, with locally elected governments that possess sizable budgets allocated almost entirely from the central government[26] and are responsible for most government service delivery in their jurisdiction, is a distinct change from the past, when district commissioners and provincial governors and their staff were appointed directly by, and responsible to, the central state.

Devolution offers great promise for more accountable, locally owned government and is widely embraced by the residents of northern Kenya. But it also presents the possibility for serious conflicts at several levels – between counties over borders, between local communities over control of the county government and its revenues, and between county governments and the central state over disputed lines of authority and shared powers. In the short term, devolution guarantees a political environment of uncertain, nascent, and contested authority, with no established "rules of the game" in local politics, and with generally weak, inexperienced county administrations assuming control of expansive budgets and responsibilities. Moreover, devolution increases the number of contested seats in elections in a context in which "the rewards of political office, including protection from criminal prosecution, are huge" and in which "the underlying causes of past electoral violence remain in place."[27]

The fact that these major political changes are occurring at precisely the same time that hydrocarbon exploration is intensifying in northern Kenya is in some ways an unfortunate coincidence for Kenyan aspirations for good economic governance and conflict prevention. Local communities, however, see the timing of devolution and oil

[23] Expected revenues from a single block in South Lokichar Basin (10BB/13T) where oil has been discovered are estimated at $10 billion over a 30 year period (Oil and Gas Journal 2014). The Kenyan government's 2014 budget is $20 billion. See "Kenyan Shilling Weakens" (2014).

[24] *Op cit* Walls and Kibble (2012) p532.

[25] *Op cit* World Bank (2012), p1.

[26] Of the five counties under study, all will have budgets in which 95%-98% are covered by central state allocations. See World Bank (2012), p5.

[27] Human Rights Watch, "High Stakes: Political Violence and the 2013 Elections in Kenya," (New York: HRW, 2013), pp1, 5. http://www.hrw.org/sites/default/files/reports/kenya0213webwcover.pdf.

explorations as fortuitous, in that it will include revenue-sharing arrangements ensuring that counties will directly benefit from the oil revenues.

Decentralisation is not a factor in Somaliland, where regional and district administrations have only modest roles and limited autonomy. There is, however, a government initiative to explore decentralisation policies.

2.2.4 MAJOR NEW DEVELOPMENT PROJECTS

Major development projects designed to increase regional and cross-border commerce are on the cusp of reshaping both northern Kenya and Somaliland, though in very different ways. In northern Kenya, LAPSSET project envisages a new road network, rail line, oil pipeline, oil refinery at Lamu; a new free port at Lamu; a resort city in Isiolo; and international airports at Isiolo and Lamu, all part of a major transportation and investment corridor running through northern Kenya. LAPSSET is designed to move oil from South Sudan to the Lamu refinery, increase cross-border trade with South Sudan and Ethiopia, and provide "the backbone for opening up Northern Kenya and integrating it into the national economy".[28] While uncertainties remain about some aspects of the project, LAPSSET could deliver an estimated US$25-30 billion in infrastructure investment across the region in coming years.[29] This would be a remarkable turn of events for northern Kenya, which has heretofore attracted almost no government investment in its infrastructure. Parts of the project are already under way.

As with hydrocarbons, the LAPSSET project has the potential to be a source of transformational development or a major catalyst for communal and political conflict, or both, depending on how effectively its many components are managed. While many welcome such large development investments in the long-isolated north of Kenya, local communities have voiced a range of concerns, including that the benefits of the development projects will accrue only to powerful outsiders; that in-migration will overwhelm and marginalise local communities; that land-grabbing, already a problem, will intensify; and that the projects will involve loss of valuable rangeland and water access for pastoralists.[30]

In Somaliland, a different set of development projects could usher in a new era for that polity. Plans to expand the Berbera seaport, twinned with aspirations to conclude a trade agreement with Ethiopia, could dramatically expand transit trade through the Berbera corridor while also providing the Somaliland government with greatly increased customs and port service revenues.[31] Depending on how much trade Ethiopia chooses to shift from Djibouti to Berbera, and under what terms, Somaliland could potentially find itself with new port revenues exceeding US$100 million annually.[32] For a government with a budget that has fluctuated between US$50 and US$120 million in the past decade, this would constitute a substantial increase in revenue. This revenue would allow the government to expand services and security sector operations and employ funds for patronage of eastern Somaliland leaders. It would also push Somaliland toward the status of a rentier state, with all of the potential "resource curse" problems with which Djibouti struggles as it derives the majority of its revenue from its seaports.[33]

2.2.5 BORDER DISPUTES AND SOVEREIGNTY CLAIMS

In the past, borders – both internal and international – were not major sources of contestation in either northern Kenya or Somaliland, but border issues are now a conflict driver in both places. In northern Kenya, the border with Somalia was initially challenged by Somali irredentist claims and during a brief "Shifta War" but, by the late 1960s, it was no longer contested.[34] Internal provincial and district borders in northern Kenya were bequeathed to independent Kenya from the colonial administration. The actual borders were poorly marked, often with reference to natural features that changed over time.[35] These unclear administrative boundaries were of minimal consequence in northern Kenya in the past. One exception was the demarcation of the North Eastern Province border, which designated all land riverine land on the east bank of the Tana River to Coast Province. This created a three mile buffer zone that blocked Somali Kenyans from accessing the Tana River. These borders were linked

[28] Kenya Vision 2030 LAPSSET Project Profile http://www.vision2030.go.ke/index.php/pillars/project/macro_enablers/181.

[29] Ventures (2014) http://www.ventures-africa.com/2014/01/lapsset-a-peep-at-the-east-african-trade-corridor/.

[30] Rift Valley Institute, "LAPSSET: Transformative Project or Pipe Dream? (Nairobi: RVI Nairobi Forum, 4 October 2013) http://riftvalley.net/event/lapsset-transformative-project-or-pipe-dream#.VCTDY2t0xLM.

[31] Menkhaus K, "Technical Note: The Political Economy of Somaliland" (Nairobi: World Bank April 2014), p28.

[32] This figure is an estimate generated by the author while conducting field research in Hargeisa in spring 2014. It is a consensus estimate of observers of Somaliland and is based on the assumption Somaliland could attract a third of the trade traffic currently flowing though Djibouti's seaports. See Menkhaus, "Political Economy of Somaliland" (2014), p28.

[33] Brass J, "Djibouti's Unusual Resource Curse," *Journal of Modern African Studies* 46, 4 (2008), pp523-45.

[34] Lewis IM, A *Modern History of the Somali: National and State in the Horn of Africa* 4th edition (Athens: Ohio University Press, 2002). p194.

[35] Interview with Wafulu Okumu, The Borders Institute (December 12 2014).

to colonial laws forbidding Somali settlements along the river, ostensibly to protect riverine farming populations whose identity and livelihood were tied to communities in Coast Province.

For secessionist Somaliland, the eastern borders it claims, on the basis of colonial boundaries, have never been accepted by the Somali Federal Government (and its transitional predecessors) or by neighbouring Puntland state. From 1998, with the establishment of Puntland, until 2004, however, the contested border was not actively challenged, and the remote border regions Sool and Sanaag were largely left to their own devices. Rather than being mutually exclusive, sovereign claims to the territory by both Somaliland and Puntland overlapped, resulting in odd but locally advantageous arrangements in which towns had two mayors, one from each of the two rival states.

Current domestic and international borders are a source of intense contestation. Some Kenyan elected officials see the problem of contested and poorly demarcated country borders as threatening to undermine the entire devolution process, with the potential to become a major national security problem.[36] Twenty-four county borders in Kenya are in dispute.[37] This issue is especially acute in northern Kenya, where county borders are the focus of multiple disputes and, in some cases, serious communal clashes. As discussed below, every northern Kenyan county has at least one border in dispute. Oil exploration and planned infrastructure projects increase the value of previously uninteresting real estate, raising the stakes of these disputes. But even without new resources to magnify the importance of county borders, communities are very sensitive to administrative lines that locate rangeland and wells within a given county's jurisdiction. This is driven by the prevailing view of counties as political expressions of communal rights to the land that falls within county borders, which can be seen as the conflation of clan or tribal lands and county boundaries.

Since 2004, Puntland has made occasionally forceful attempts to lay claim to Dolbahante-inhabited territory in eastern Somaliland. At the same time, residents of parts of the border regions – especially among the Dolbahante clan residents in parts of Sool region and easternmost Toghdeer region – have begun mobilising, sometimes in support of Puntland, sometimes in support of Somaliland, and now, increasingly, in support of a separate Khatumo state authority representing autonomy for the Dolbahante clan. These competing claims on territory and borders have produced dangerous armed clashes, between Somaliland and Puntland forces, between Puntland and Khatumo state forces, and between Somaliland and Khatumo state forces. They have also complicated oil exploration with competing claims of jurisdiction and multiple concessions awarded by different self-proclaimed political authorities. For the resident Dolbahante, the multiple claims of authority have been both a burden and an opportunity, as some political entrepreneurs have frequently shifted allegiances for their own benefit.[38]

In sum, parts of eastern Somaliland and northern Kenya are "contested terrain", both politically and in terms of competing communal claims.

2.2.6 VIOLENT EXTREMISM

Al Shabaab, the main source of violent extremism in the region, is based in southern Somalia but since 2008 has expanded and deepened its network, recruitment, assassinations, and terrorist attacks both southward into Kenya and northward into Somaliland and Puntland. Eastern Somaliland and northern Kenya have, as a result, become increasingly vulnerable to terrorist attacks. To date, northern Kenya has seen far more violence associated with Al Shabaab, in the form of killings of Somali rivals, bombings of Christian churches, massacres of non-Muslims, and attacks on international aid workers, Kenyan military and government officials. Oil extraction sites and pipelines, along with other major development sites, are seen as vulnerable to Al Shabaab sabotage attacks.

In 2014, major Al Shabaab attacks in northern Kenya targeted non-Muslim civilians, resulting in massacres that continue to constitute a grave threat to the region's overall security and development, and which could imperil investments in oil exploration and in the LAPSSET project.

While, to date, eastern Somaliland has been much less directly affected than northern Kenya by Al Shabaab, the group has been very active in nearby Puntland, where it has been involved in repeated assassinations and attacks, mainly against Puntland government and security forces, as well as moderate clerics and possibly foreign aid workers.[39] Al Shabaab also launched high visibility suicide bombings in Hargeisa in October 2008. Somaliland

[36] Ibid.

[37] Ibid.

[38] Hoehne M, "People and Politics Across and Along the Somaliland-Puntland Border," in *Borders and Borderlands in the Horn of Africa*, ed by Feyissa D and Hoehne M, (London: James Currey, 2010), pp105-14.

[39] In April 2014, two UN international consultants were gunned down and killed in the Galkayo airport by a security guard who may have been an Al-Shabaab

has generally remained a safe place for both its own citizens and foreign guests, but Al Shabaab possesses a network throughout Somaliland and Puntland that could pose a threat to high value targets such as oil exploration sites.

2.2.7 GOVERNMENT COUNTER-TERRORISM AND SECURITY POLICIES

Both Somaliland and Kenya are liberal democracies facing serious security threats, and both have recently gravitated toward policies and laws with potential to erode the civil liberties undergirding their democratic systems and to produce blowback. In the aftermath of the Westgate Mall attack in Nairobi in October 2013, and subsequent Al Shabaab terrorist attacks in northern Kenya, coastal regions, and Nairobi, the Kenyan government has pursued aggressive counter-terrorism policies directed mainly at its Somali and Swahili coastal populations. There are allegations that this may include targeted assassinations by elements within the security sector of suspected Muslim radicals.[40] The government also recently passed legislation, the Security Laws (Amendment) Act, 2014, that dramatically expands the power of the security sector, sharply reduces certain civil liberties, and broadly defines and criminalises behaviour that could be construed as supportive of terrorism. Parts of these laws have been reviewed and challenged in court, so the final version of this legislation remains unknown. But this shift toward a "security state" has the potential to greatly impact northern Kenya and merits close monitoring. Chapter 3, Section 5.1, explores it in more detail. The Somaliland government has also engaged in policies restricting civil liberties and the media.

member.

[40] Kenyan security officers interviewed by Al Jazeera admitted to the organised extra-judicial killings, but government officials denied such a policy. See Ntezza, M., "Kenya's Police Accused of 'Eliminating' Radical Muslims," *Chimp Reports* (9 December 2014) http://chimpreports.com/kenyas-police-accused-of-eliminating-radical-muslims/.

3. CONFLICT ASSESSMENT / NORTHERN KENYA

3.1 PROFILE AND HISTORY

Northern Kenya has been one of the most chronically insecure zones of the country. That insecurity has tended to manifest itself in periodic outbursts of communal violence, which produce casualties and large-scale displacement, followed by local and national efforts to mediate and then an unstable peace. It has not, however, been a zone of full-scale insurgency or civil war, and for most of the population, an unstable peace has prevailed. Despite this, many perceive the counties of northern Kenya as among the most at-risk regions of Kenya for armed conflict.[41] A recent study included all five counties examined here in the 14 Kenyan counties deemed "high risk" for volatility.[42]

What follows is a brief profile of the region, highlighting features that figure prominently in this explanation of conflict trends in northern Kenya.

3.1.1 GEOGRAPHY AND CLIMATE

The area from Marsabit to Garissa counties is generally defined as low-lying, expansive, hot, and arid to semi-arid, suitable primarily for pastoralism. Farming is only practiced in areas adjacent to permanent or seasonal rivers. Rainfall averages across the region range between 200-400mm per year, with rainfalls higher toward the south in Garissa County.[43] The main rainy season occurs in April and May, with a shorter, less reliable rainfall in October-November. Rainy seasons typically see a reduction in armed conflict, as they allow pastoralists to disperse, thereby reducing competition for scarce pasture. Rain also makes track roads impassable for militias attempting to move. For the same reasons, the onset of the dry season increases the odds of armed conflict. Urbanisation and urban clashes, along with the expansion of all-weather roads, is altering this seasonal rhythm of armed conflict.

3.1.2 LIVELIHOODS AND DEVELOPMENT

Most rural dwellers in these countries are pastoralists or, increasingly, agro-pastoralists. Camels and small ruminants (goats and sheep) are dominant in most of the area, but higher rainfall and good grasslands in parts of Garissa County support cattle. Small but fast growing towns are centres of local and cross border commerce. In some towns – Moyale, Mandera, Garissa, Isiolo – regional commerce is vibrant, linked to markets and production in Somalia and Ethiopia. The region's borders with Ethiopia and Somalia are "affordances" for an entire commercial sector in the region, which sustains itself by moving goods across borders in both directions, often without paying customs.[44] For years, some major consumer goods, such as sugar, have been moved into the Kenyan market via ports in Somalia. The profitability of cross-border trade has varied over time and by item, while proving to be very adaptable to changing circumstances. This trade has produced a network of regional business elites whose partnerships span ethnic and national boundaries and whose interests in promoting either peace or conflict are essential for tracking conflict trends.

Pastoralism, especially for camel herders, involves lengthy seasonal migrations across northern Kenya, Ethiopia, and Somalia, and requires maximum mobility. This mobility has been impeded in recent decades by insecurity, government restrictions on movement (especially in Ethiopia), enclosures and ranches, and exclusionist interpretations of devolution. Other conditions are also straining pastoralism as a sector, including declining terms of trade, deterioration of rangelands, small arms proliferation, and mounting competition for water and pasture.[45] Areas in Garissa County have been especially hard-hit by charcoal production, especially near Dabaab refugee camps, resulting in rapid deterioration of rangeland carrying capacity. Gaps between wealthier and poor pastoral

[41] One recent study ranked the five counties in this investigation among the top six counties on a "high risk of conflict" index. See CRE-CO, "Building a Culture of Peace in Kenya: Baseline Report on Conflict Mapping and Profiles of 47 Counties in Kenya" (Nairobi: CRE-CO, 2013), p13 https://kenya.humanitarianresponse.info/system/files/documents/files/CRECO_2012_2.pdf.

[42] Wepundi M et al, "Availability of Small Arms and Perceptions of Security in Kenya: An Assessment," (Geneva: Small Arms Survey, 2012), p39. http://www.smallarmssurvey.org/fileadmin/docs/C-Special-reports/SAS-SR16-Kenya.pdf.

[43] Kaplan I et al, *Area Handbook for Kenya* (Washington: Congressional Library, 1976), p61.

[44] Goods either evade taxation altogether or, more commonly, require payment of a series of bribes as they move across the border and through northern Kenya to Nairobi. See Menkhaus (2005).

[45] Norwegian Refugee Council, "On the Margins: Kenya's Pastoralists" (Geneva: Geneva Refugee Council, 2014). http://www.internal-displacement.org/assets/publications/2014/201403-af-kenya-on-the-margin-en.pdf

households are growing, and destitute pastoralists are a major source of urban drift into the slums of northern Kenyan towns and cities.

Poverty and underdevelopment is exceptionally high across northern Kenya, which routinely ranks at the bottom of regional development rankings in Kenya. Poverty rates in the north range from 49% in Garissa to 89% in Mandera.[46] In towns across the region, formal employment constitutes less than 10% of livelihoods, with 90% of the population working in the informal sector.[47] Infrastructure has long been very poor across the region, most of which cannot be reached on paved roads.

3.1.3 IDENTITY AND ETHNICITY

Tribal or clan identities are a major – but not the sole – organising principle in the social and political life of regional residents. Political developments in Kenya and neighbouring states, including what one scholar calls the "intense ethnicisation of Kenyan politics in the Moi period (1978-2002)",[48] have hardened ethnic identities that, in the past, were much more fluid and negotiable.[49] The history of communal conflicts has left many dead or displaced, deepening these identities and making it easy for political entrepreneurs to mobilise clans and tribes as political blocs and, potentially, for armed violence. Neo-patrimonial politics – the struggle by rival political elites to control and then allocate state assets to expectant clients within their own ethnic group rather than on the basis of need or merit – reinforces ethno-politics and ethnic solidity still further.

In Somali and proto-Somali-inhabited zones (Garissa, Wajir, Mandera, and portions of Isiolo counties), identity is expressed in the form of lineage or clan. Somali clannism is fissurable, fluid, and pragmatically inventive, with the specific situation at hand determining which level of a clan or sub-clan identity is salient.[50] Though some of the clans populating Wajir and Mandera counties are viewed as Somali, they actually have a more complex identity, with degrees of affiliation and identity with the Boran. The Ajuraan clan, for instance, was treated by the British colonial administration as an Oromo group, while the Garre speak Borana though they consider themselves Somalis, and the Degodia have recently sought to claim a genealogy that makes them "brothers" of the Boran Oromo.[51] While these fluid identities have served communities living at the frontier of the Somali and Boran well in the past, they have less utility today.

In Marsabit and Isiolo, non-Somali groups predominate. Isiolo County includes Boran, Turkana, Samburu, and Meru, with the Boran the largest group. Isiolo town is a cosmopolitan setting, home to ethnic groups in the county as well as migrants from other parts of the country. Marsabit is inhabited primarily by Boran, Rendille, Gabra, Turkana, and Burji, along with smaller populations of other tribes.

Tribal or clan identity is of particular importance with regard to communal claims on land. While private deeded property is the norm in urban and many farming areas, the primarily pastoral zones of northern Kenya are communal, with clans or tribes committed to protecting their rights to specific pieces of land.[52] Others may use the land for grazing, but only through negotiated access. Historic shifts in the control of land, the result of conquest and migration by more numerous and powerful groups at the expense of others, has been a major theme in northern Kenya over the past one hundred years. These dynamics continue, resulting in a multitude of feuds and historical grievances that can quickly be rekindled to justify an armed attack.[53]

Religious identity is partially, but not entirely, associated with tribal group. Virtually all Somalis are Muslim. The Borana of Kenya are mainly Muslim, with small minorities of both Christians and those subscribing to traditional religious beliefs. The Gabra mainly subscribe to traditional religion, but some practice Islam; the Samburu, Rendille, and Turkana subscribe to their traditional religions, with Christianity and Islam making inroads among some of the

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46 PACT, "County Profiles" (2013).

47 *Daily Nation* "The Best and Worst Places to Live in Kenya" (March 21 2014) http://mobile.nation.co.ke/lifestyle/The-best-and-worst-places-to-live-in-Kenya/-/1950774/2252388/-/format/xhtml/item/1/-/vpsivy/-/index.html.

48 Schlee G, "Ethnopolitics and Gabra Origins" Max Planck Institute for Social Anthropology Working Paper 103 (Halle: Max Planck Institute, 2008). p4.

49 The Garre, for instance, have historically had a foot in both the Somali and Oromo communities; they are considered a Somali clan, but some – those living in area where the Oromo and Somali peoples meet -- speak the Oromo language. See Gunther Schlee, *How Enemies are Made: Towards a Theory of Ethnic and Religious Conflicts* (Berghahn Books, 2010).

50 *Op cit* Lewis 2002.

51 See Shlee G, "Brothers of the Boran Once Again: On the Fading Popularity of Certain Somali Identities in Northern Kenya," J*ournal of Eastern African Studies* 1, 3 (2007), pp417-18.

52 These laws are currently under review and draft legislation for a new land law is being tabled as this study goes to print.

53 The entire land area between the Jubba and Tana rivers was conquered and occupied in a major southward sweep by Somali clans in the mid 19th century, at the expense of the Wardei and other proto-Oromo and proto-Somali groups. Turton ER, "Bantu, Galla and Somali Migrations in the Horn of Africa: A Reassessment of the Juba/Tana Area." *Journal of African History* 16, 5 (1975), pp519-37.

urbanised populations; the Meru are mainly Christian (Methodist and Catholic). To date, religious differences have not played a major role in communal conflicts in the region, though Al Shabaab has begun targeting non-Muslims with violence in an attempt to stoke religious polarisation.

3.1.4 HISTORY, PRE-1991

The recent history of northern Kenya has been mainly a story of isolation and neglect, by both the British colonial administration and the Kenyan independent government. British colonialism left other legacies as well. Indirect rule both distorted and reinforced traditional authority. Colonial rule also bequeathed northern Kenya a contentious border with Somalia. The original colonial border was the Jubba River, which would have given Kenya a much larger and more economically interesting northeast corner, while also considerably increasing the overall Somali Kenyan population. But the British offered the Transjubba area to Italy as part of the World War I Treaty of London, resulting in the current border. The British further established Isiolo as the site of military bases for patrols into northeast Province, where they settled a large number of Somali Isaaq from British Somaliland, all soldiers. This group, which married with local Samburu and Borana, formed a unique subset of the Somali Kenyan population at independence. Finally, British colonial policy of rangeland demarcation by clan – a conflict prevention measure meant to reduce communal clashes over grazing areas – reinforced in the minds of northern Kenyans the link between political-administrative boundaries and the lines demarcating exclusive clan rights to land. This particular legacy of British colonialism is the subject of debate among Kenyan Somalis, with some blaming it for introducing the notion of exclusive clan territorial claims, with others nostalgically recalling a British system that kept armed conflict over land at levels far lower than those of today.[54]

Independence brought three decades of misery for the Somali inhabited portion of northern Kenya. Somali government irredentist claims on Somali-inhabited territory of northern Kenya and local, low-level Somali armed insurgency opposing Kenyan rule – the so-called Shifta Wars – resulted in a three decade long emergency rule that placed the northeast under harsh security state rule.[55] Human rights abuses were endemic during this period and included multiple instances of massacres of northern Kenyans, mainly Somalis but also non-Somalis in Marsabit, by Kenyan security forces. The Truth, Justice, and Reconciliation Commission of Kenya (TJRC) has recently documented and acknowledged these episodes of state-sponsored violence. The worst of these cases was the Bagalla massacre of 1984 in Wajir, when perhaps as many as a thousand Somalis of the Degodia clan were killed in a punitive disarmament operation following clan clashes; the total number killed remains the subject of debate.[56] Other massacres attributed to the Kenyan security forces occurred in Garissa (the Bulla Karatasi/ Garissa Gubai massacre) in 1980 and in Mandera (the Malka Mari massacre) of 1981. In all cases, the TJRC found that these operations were a form of collective punishment against entire clans for clan clashes or crimes; that the abuses were done with complete impunity; that the abuses and killings were done on orders by superiors; that the massacres were accompanied by widespread rape, looting of property, and torture; and that government officials engaged in systematic cover ups afterwards.[57]

This chapter in the history of state relations with the citizens of northern Kenya remains a powerful and sensitive topic, especially with the revival of abusive treatment of Somali Kenyans in the Operation Usalama crackdowns following the Westgate Mall attack.

3.1.5 HISTORY, POST-1991

Northern Kenya has seen major political, security, and economic changes since 1991, with sizable implications for regional peace and conflict dynamics. Many of these changes are treated in more detail in the study as possible drivers of conflict. Here they are briefly summarised chronologically:

End of emergency rule/democratisation. In 1992, early moves toward democratisation and political opening in Kenya resulted in the lifting of emergency rule in Somali-inhabited North East Province. Residents began to exercise political rights. Competitive parliamentary elections introduced northern Kenya to democratic competition while also producing the first round of "poll violence" as candidates mobilised their ethnic constituencies as bloc voters in contests that local tribes and clans viewed as referenda on their competing claims on districts.

Shrinkage of Kenyan state presence. At the same time, the Kenyan government's effective presence in and

[54] For a summary of the latter view, see interviews in Whittaker H, *Insurgency and Counter-Insurgency in Kenya: A Social History of the Shifta Conflict, 1963-1968* (London: Brill, 2014), p141.

[55] Whittaker HA, "The Socio-Economic Context of the 'Shifta' Conflict in Kenya, 1963-68," *Journal of African History* 53, 3 (2012), pp391-408.

[56] TJRC Kenya, "Report of the Truth, Justice and Reconciliation Commission," Vol. IV (2013), pp15-21.

[57] Ibid.

control of northern Kenya shrank, leaving millions of citizens with even less recourse to basic government protection and rule of law then before. Reliance on informal systems of protection and governance – including customary law, as well as tribal or clan militias – grew. This trend has been partially reversed in recent years.

Spillover from neighboring states/small arms proliferation. Tsaw seismic changes occur across all of the states bordering northern Kenya, producing unwanted and very destabilising impacts from Marsabit to Garissa. In Somalia, the Barre regime fell, leaving the country in a protracted state of collapse and civil war. An estimated one million Somali refugees fled into neighbouring states, mainly Kenya, while warring clan militia, warlords, and armed bandits crossed into northern Kenya, along with a wave of small arms. In Ethiopia, the Mengistu regime fell as well. Its army was disbanded, and hundreds of thousands of Ethiopian ex-soldiers sold their weapons, further increasing the availability of cheap small arms in the border regions. In Sudan, the civil war broke open in heavy fighting between south Sudanese factions, accelerating the flow of refugees into northern Kenya, expanding northern Kenya's role as the hub (at Lokichoggio) of a massive humanitarian relief operation into Sudan, and intensifying still further the proliferation of small arms in northern Kenya. These spillover problems magnified the lethality of communal clashes in northern Kenya.

Somali refugee influx and the rise of Dadaab. The wave of Somali refugees into Kenya had a transformational impact. First, it led to the rise of the enormous set of refugee camps at Dadaab (Garissa County), which - with an estimated 340,000 residents – is now one of the largest Somali cities in the Horn.[58] Dabaab has multiple impacts on conflict dynamics, explored in more detail in the appendix on Garissa County. Even while becoming a major commercial hub, it is also the site of tensions between local communities and refugees over environmental degradation, jobs, and access to services. The camps have long been the location of recruitment by armed groups, including, in recent years, Al Shabaab. Finally, Dabaab and the surrounding area have been the locus of serious violent crime against the refugees, including rape and assassinations. Criminal violence is said to have declined somewhat inside the camps due to community policing, but remains a major concern.[59]

Secondly, the influx of Somali refugees into Kenya (many of whom settled in Nairobi and other Kenyan cities) helped to politicise and polarise clannism among Somali Kenyans, expand Somali roles in Kenya's commercial and real estate sectors, and contribute to the rise of a robust Somali business community in Kenya. It also inflated the number of Somali Kenyans, through acquisition by various means of Kenyan citizenship, and, over time, inextricably linked political and security developments in Somalia to Kenya's own fortunes. This latter development includes Nairobi's role as a hub of Somali politics and the quick transfer of security threats from Somalia into Kenya. The large refugee population is part of the connective tissue that binds the fate of Kenya and Somalia together whether the two countries like it or not.

The arrival of so many Somali refugees who have since taken up residency in Kenya has created two distinct and sometimes confusing identities among Somalis in Kenya – ethnic Somalis who are citizens of Kenya (often called the "Rer Kenya" Somalis) and the Somalis from Somalia (the "Rer Somalia"). Reference to "the Somalis" in Kenya typically obscures this important distinction. Relations between the Rer Kenya and Rer Somalia have often been tense and have occasionally fed into communal clashes in parts of northern Kenya. The Rer Kenya Somalis complain about being overrun by the Rer Somalia, as well as about criminality and clannism associated with the Rer Somalia. For their part, the Rer Somalia express grievances that the Rer Kenya are taking jobs and political positions in Somalia. Accusing a Somali figure of being "a Kenyan" in Somali politics is a tactic to delegitimise him or her, and flips on its head the older logic of pan-Somali nationalism.

Smuggling and cross-border trade. Prior to 1991, northern Kenya was an area of limited commercial trade. Since then, it has hosted several important trade corridors with Somalia. Transit trade – mostly involving smuggled goods moved through Somalia into Kenya – has featured foodstuffs, sugar, basic consumer goods, light electronics, fuel, and small arms. The main arteries of this trade include the Bulo Hawa/Mandera border crossing and the Dobley/Liboi border crossing, but the trade also uses dozens of minor track roads to move goods, and people, into Kenya. As a consequence, numerous border settlements have been established or grown since 1991. Trade partnerships have in some cases contributed to peace in northern Kenya but in other cases have led to communal armed conflict over control of lucrative trade routes; rival business elites sometimes instigate these clashes.

The rise of Somali involvement in Kenya's commercial sector also led to the extraordinary development of the Somali business neighbourhood of Eastleigh in Nairobi. Both Rer Kenya and Rer Somalia Somalis populate

[58] UNHCR, "Refugees in the Horn of Africa: Somali Displacement Crisis," (30 November 2014) http://data.unhcr.org/horn-of-africa/region.php?id=3&country=110.

[59] UNHCR "Dadaab Update" (1-15 July 2014), pp1-2.

Eastleigh. Eastleigh has at times been largely beyond the control of Kenya's security sector. Northern Kenya's politics came to be increasingly driven by decisions taken by local elites based in Eastleigh. Eastleigh also became the de facto political and commercial capital of Somalia for years, including as a base for fund-raising, organising, recruitment, and convalescence for Al Shabaab.

Peace committees. In response to the upsurge in communal violence in northern Kenya after 1991 (a pattern described in more detail below), a variety of local and national efforts were made to build conflict management, prevention, and early warning mechanisms. These include peace and development committees, grazing committees, elders committees, inter-faith dialogue groups, and Conflict Early Warning Response Unit (CEWERU) field monitors,[60] as well as numerous peace and conflict prevention projects sponsored by international donors and NGOs. Their effectiveness varies, but these efforts have collectively created a new, dense network of conflict monitors, peace activists, and mediators across the region.

Counter-Insurgency Operations in Northern Kenya. In tthe aftermath of the 9/11 attacks, American concerns that Kenya's Muslim communities could be targets of radicalisation and Al Qaeda (and later Al Shabaab) recruitment led to an increase in counter-insurgency (COIN) operations in northern Kenya. A US Military base and runway was established at Manda Bay in Lamu County; with US assistance, Kenyan security forces stepped up border patrols across northern Kenyan counties; and US civil affairs teams conducted a range of outreach programmes in northern Kenya as part of a "hearts and minds" campaign.[61] The net effect of these operations has been a greater level of militarisation of northern Kenyan counties, especially in border areas.

Kenyan post-election violence and new constitution. Northern Kenya stayed free of the post-election violence that swept parts of Kenya in 2008. Somali Kenyans came to play more visible roles in the power-sharing government in part because Somalis were perceived as relatively neutral in Kenyan tribal politics. The new constitution that emerged introduced political devolution, giving northern Kenyan populations the opportunity to elect their own local administrations for the first time. Those county governments came into power following elections in March 2013.

Rise of Somalis in Kenyan national politics. One of the most dramatic and positive political developments in northern Kenya in the past two decades has been the ascent of Somali Kenyans to top positions in the Kenya government and, more generally, increased ruling party reliance on Somali Kenyans as reliable allies. Some trace this shift all the way back to 1982, when a Somali Kenyan military officer foiled a coup attempt against then President Moi; the officer and his extended family became trusted allies and beneficiaries of Moi's patronage.[62] In the years leading up to the 2013 elections, Somali Kenyans held important posts such as Minister of Defence, Minister of Intelligence, Chief of Police, Deputy Speaker of Parliament, and Chair of the Interim Independent Electoral Commission. This represented a dramatic shift in the place of Somali Kenyans in national political life; in previous decades they had been entirely marginalised. The more substantial roles they were earning in top government positions lent support to an emerging narrative that Somali Kenyans were now genuine stakeholders in Kenyan affairs, and no longer second-class citizens. That view suffered a severe setback with the onset of Operation Usalama, the police crackdown in the aftermath of the 2013 Westgate Mall terrorist attack by Al Shabaab (discussed below).

Devolution and county elections of 2013. Elections for county government in March 2013 marked a watershed moment for northern Kenya. It was arguably the first time since the beginning of the colonial era that local communities could claim a significant degree of self-rule, though for some minority groups or so-called "corner tribes" the elections reflected the substitution of one form of domination for another.

An appreciation of which elected and appointed positions are considered valuable is essential for understanding the complex bargaining and negotiation that can take place between community leaders in advance of elections. The county governorship is widely considered to be the most prized position, as it controls large new county budgets. The Senate seat is the next most valuable post, followed by seats in the National Assembly and the position of deputy governor. The county assembly Speaker is also viewed as a valuable position. Appointed

[60] CEWERU are national governmental and non-governmental stakeholders networks engaging in conflict monitoring and response. CEWERUS from part of CEWARN, or Conflict Early Warning and Response Mechanism, a collaborative effort of seven members states of IGAD to mitigate and prevent conflict in the region.
Bradbury M, & Kleinman M, "Winning Hearts and Minds? Examining the Relationship Between Aid and Security in Kenya," (Boston: Feinstein Center, Tufts University, 2010) http://fic.tufts.edu/assets/WinningHearts-in-Kenya.pdf.

[61] Bradbury M, & Kleinman M, "Winning Hearts and Minds? Examining the Relationship Between Aid and Security in Kenya," (Boston: Feinstein Center, Tufts University, 2010) http://fic.tufts.edu/assets/WinningHearts-in-Kenya.pdf.

[62] Crisis Group, "Kenyan Somali Islamist Radicalisation," Africa Briefing Paper #85 (Brussels: ICG, 25 January 2012), p4. http://www.crisisgroup.org/~/media/Files/africa/horn-of-africa/kenya/B085%20Kenyan%20Somali%20Islamist%20Radicalisation.

positions are also useful bargaining chips, especially appointments to the county executive committees, which are headed by the respective governor of each county. The governor nominates executive committee members who are then approved by the county assembly.[63]

The run-up to county and national elections in northern Kenya produced a spike in political violence, usually expressed in communal terms, across much, but not all, of the region. They also exposed a revealing split in community strategies with regard to the outcome of the elections. In some northern Kenyan counties, such as Wajir County, clan elders and political elites adopted a conflict prevention approach to the election. They attempted, with varying degrees of success, to broker pre-election deals that allocated prized seats (in both the county government and the national legislature) to specific clans or tribes, with the understanding that elders would then instruct their constituents to vote accordingly. This approach sacrificed democratic principles for what was viewed in some circles as the greater good of maintaining peace. In other locations, such as Mandera County, the elections led to winner-take-all calculations on the part of communal groups, including inter-ethnic coalitions at the expense of third parties. Both of these strategies were founded on the assumption that tribal and clan groups would vote as ethnic blocs on the instruction of their elders.

Key elected positions in the new constitution of 2010 include:

1. county governor (the deputy governor is as running mate and so not directly elected);
2. county assembly members (elected by ward);
3. a county Senator in the Upper House or Senate of the Kenyan Parliament;
4. a female county representative to the lower house of National Assembly of the Kenyan Parliament;
5. members of lower House of Parliament, representing geographic "constituencies" or electoral districts within each county. Northern Kenya counties have between 2 to 6 constituencies, depending on population size.

The national political parties and coalitions of parties vying for power complicated the 2013 elections. Larger tribes and clans in northern Kenya sometimes found themselves split by rival political elites affiliated with different party coalitions (see Appendix F for coalition affiliations in the 2013 elections).

Rise of Islamic radicalisation. A combination of factors, including an influx of salafi mosques, missionaries, and charities from the Gulf States, along with heightened mobilisation of Islamic identity politics globally, has led to a rise of more conservative and more politically active forms of Islam among many Muslims in northern Kenya.[64] Some of this manifests itself in radicalised Islamism and support for or recruitment into Al Shabaab. This trend forms part of a wider pattern of growing polarisation and intolerance in religious rhetoric across all faith groups in Kenya.

Rise of Al-Shabaab/Al Hijra in Somalia and Kenya. Shabaab's rapid ascent to power as the leader of an insurgency against the Ethiopian military occupation of southern Somalia in 2007 introduced an external security threat that quickly penetrated northern Kenya and became one of the most serious domestic security issues facing Kenya. Al Shabaab and its local affiliate, Al Hijra, have an active presence in all of the northern Kenya countries under study.[65] Since 2012, Al-Shabaab has targeted northern Kenya as a site of a series of deadly and destabilising terrorist attacks (treated below).

Kenya intervention in Somalia. The Kenyan military offensive into southern Somalia in October 2011, ostensibly in response to Al Shabaab kidnappings of foreign tourists and aid workers in northern Kenya, had multiple impacts on conflict trends in northern Kenya. Some Kenyan Somalis were recruited into militias backed by the Kenyan military. Al-Shabaab's retaliatory terrorist attacks included targeting of government installations, Christian churches, and highlander "settlers" in northern Kenya. Al Shabaab used the Kenyan military intervention as justification for taking the war to Kenya, including the devastating attack on Westgate Mall in September 2013 (see below). Strong Somali reaction against the Kenyan military occupation of Kismayo and other areas of Jubbaland helped to fuel Al Shabaab recruitment among Kenyan Somalis.[66]

Westgate attack and Operation Usalama. The September 2013 Westgate Mall attack by Al-Shabaab provoked

[63] Uruko I, "Understanding the Roles, Structure of New Government," *The Star* (1 March 2013) http://allafrica.com/stories/201303011392.html.

[64] Crisis Group, "Kenya: Al Shabab: Closer to Home," Africa Briefing no 102 (Nairobi/Brussels: Crisis Group, September 2014). http://www.crisisgroup.org/~/media/Files/africa/horn-of-africa/kenya/b102-kenya-al-shabaab-closer-to-home.pdf.

[65] The precise nature of the relationship between Al-Shabaab and Al Hijra is a matter of speculation. For purposes of this study, Al-Shabaab will generally be the preferred name. See Bryden M, "The Re-invention of Shabaab: A Strategy of Choice or Necessity?" (Washington DC: CSIS, February 2014) http://csis.org/publication/reinvention-al-shabaab.

[66] *Op cit* Crisis Group (2014).

a Kenyan government security response, Operation Usalama, that has principally impacted Somalis and Somali Kenyans in Nairobi but has reverberated to northern Kenya as well. Ethnic profiling by Kenyan security forces has enflamed the Kenyan Somali community and has contributed to deteriorating relations between Kenyan police and local communities in northern Kenya.

Hydrocarbon exploration. Oil and natural gas exploration (discussed in more detailed elsewhere in the report) has occurred in Kenya as far back as the 1950s, with momentum increasing since 2002.[67] Tullow Oil and its partner, Africa Oil Corp made the first discovery of crude oil in March 2012 in the South Lokichar Basin. Estimated at 600 million barrels, that find has accelerated plans for infrastructure development as well as exploration in the 41 oil and gas blocks licensed to 21 companies.[68] Kenya is now believed to possess as much as one billion barrels of oil, as well as significant amounts of natural gas, most of which is concentrated from Lake Turkana through northern Kenyan to coastal and offshore sites from Lamu to the Tanzanian border (see map below). The Anza Basin, Mandera Basin, and Onshore Lamu Basin all fall within the five counties under study here. Oil exploration is now occurring or is about to begin in portions of all five counties.

Developments in the first site of oil exploration, at Lokichar, Turkana South, suggest that local tensions are most likely to occur over jobs and contracts. There, in October and November 2013, Tullow Oil was forced to temporarily abandon operations following local protests against an influx of outside workers (mainly highlander Kenyans), and Tullow Oil has subsequently faced repeated strikes and protests by local Turkana demanding non-indigenous workers leave.[69]

At both the local and national level, hydrocarbon exploration has sparked high expectations of new flows of revenues and sources of employment.[70] The impact of oil exploration, extraction, and revenue flows is the subject of analysis in the conflict assessment that follows.

LAPSSET. The LAPSSET project was launched in March 2012, one of the most ambitious of over 120 projects in the Kenya Vision 2030 strategic plan.[71] The US$28 billion project currently includes a highway, oil pipeline, and rail line linking South Sudan and southern Ethiopia to a new seaport and oil refinery in Lamu. The project will run directly through most of the counties of northern Kenya, with especially strong impact on the cities of Isiolo, Garissa, Moyale, and Marsabit, where highways and, in some cases, other infrastructure will pass (see map). Mandera and Wajir counties will be less directly affected than Isiolo, Marsabit, and Garissa counties. Isiolo is also targeted for additional LAPSSET projects, including a resort city, dam, and expanded airport capable of handling international flights. Its many impacts on regional conflict dynamics are the subject of close investigation in this study.

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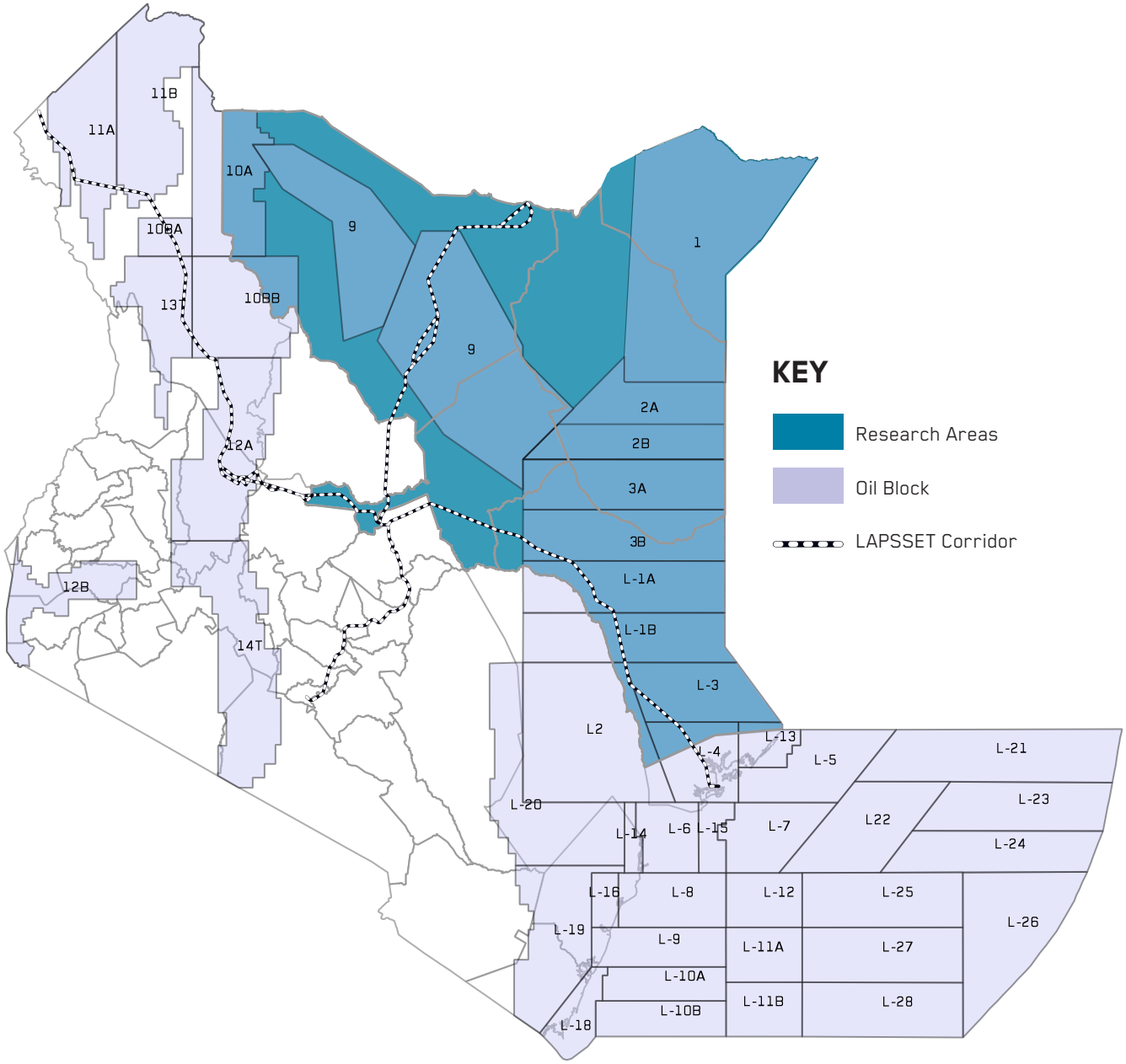
[67] Anderson DM, Browne A, "The Politics of Oil in Eastern Africa," *Journal of Eastern African Studies* 5,2 (2011), p384.

[68] Doya D, "Kenya Sees Oil Resources Almost Doubling with More Drilling," Bloomberg BusinessWeek, (18 Sept. 2014) http://www.businessweek.com/news/2014-09-18/kenya-sees-oil-resources-almost-doubling-with-more-drilling.

[69] Kavanagh, M "Tullow Struggles to Please Locals at its Oil Discoveries in Kenya," *Financial Times* (16 January 2014) http://www.ft.com/intl/cms/s/0/10cd976a-07ba-11e4-8e62-00144feab7de.html#axzz3HOMoAjSP ; Miyungu J, "Tullow Faces Worker Unrest at Turkana Exploration Sites," *The Standard* (11October 2014) http://www.standardmedia.co.ke/print/2000137914/tullow-faces-worker-unrest-at-turkana-exploration-sites; and Branch D, "Turkana Report," (Warwick: University of Warwick, January 2014).

[70] Anderson and Browne (2011).

[71] Rift Valley Institute, "LAPSSET: Transformative Project or a Pipe Dream?" *Nairobi Forum* (4 October 2013) http://www.riftvalley.net/publication/lapsset-transformative-project-or-pipe-dream#.VE7hr2t0xLM.



Kenya's oil blocks and the LAPSSET Corridor

3.1.6 PATTERNS OF ARMED CONFLICT AND COMMUNAL VIOLENCE SINCE 1991

For decades, outbreaks of armed conflict across northern Kenya have claimed many lives, though none match the lethality of a government action against the Somali Degodia clan, the Wagalla massacre of 1984 in Wajir, during which an estimated 3,000 or more people were killed by Kenyan security forces in what was supposed to be a disarmament campaign.[72] Wagalla remains by far the bloodiest episode in the contemporary history of northern Kenya.

From the 1980s through 2005, these conventional sources of tension produced communal clashes that, at times, resulted in casualty and displacement levels associated with civil wars.[73] One single clash in Marsabit in 2005

[72] "Secrets of the 1984 Wagalla massacre Emerge," *The Standard* (11 June 2011) http://www.standardmedia.co.ke/article/2000036944/secrets-of-the-1984-wagalla-massacre-emerge.

[73] *Op cit* Menkhaus (2005).

resulted in 90 deaths and 5,000 displaced.[74] Northern Kenya earned a reputation as "Kenya's killing fields" and Kenya's "badlands" while Kenyan media lamented that "even the police are never safe here."[75]

A combination of local and national government initiatives to end conflicts and build peace across northern Kenya appeared to reduce armed conflict in northern Kenya for a time after 2005, though with highly variable results by location. In Somali-inhabited counties, communal clashes were generally managed effectively by local community efforts; in the case of Wajir district, the turnaround from heavy communal fighting in 1992-94 to sustained peace (until 2014) was a remarkable success story.[76] The town of Garissa was even named by INTERPOL as the "safest city in East and Central Africa" in 2010.[77] Local perceptions of security mirrored the empirical record. In an Afrobarometer survey in 2004, Northeastern Province residents surveyed reported one of the lowest levels of communal violence of any region in Kenya.[78] Actual empirical evidence of armed violence in northern Kenya during this period was mixed. According to one study, from 1997 to September 2013, Northeast Province experienced just under 400 conflict events (including battles, riots/protests, and violence against civilians), which placed it roughly average among Kenya's eight provinces for violent events. Notably, Northeast Province had the highest percentage of "violence against civilians" of all Kenyan provinces and the lowest percentage of riots/protests.[79]

That period of relative peace now appears to have been a lull rather than a durable change in peace and conflict dynamics. A short chronological inventory of the most serious episodes or periods of armed conflict in the five counties under study since 1991 reflects a clear upsurge in both communal and terrorist-related violence in Northern Kenya since 2011.[80] More precisely, the trend-line show a spike in armed conflict in the early to mid-1990s followed by a relative lull from the late 1990s until 2010, when the latest uptick in armed conflict began (see below timeline for list of incidences).

This surge in armed conflict and insecurity in northern Kenya has produced high local anxiety. In a 2013 Synovate national public opinion survey, northeast Kenya residents listed "crime and insecurity" higher than any other region when asked to identify "the most serious problem facing Kenya today".[81]

Four trends can be discerned from this inventory of armed conflict:

1. **Rising lethality and displacement.** Numerous studies over the past two decades have confirmed what residents of northern Kenya already know well – that armed conflicts in recent decades have grown far more lethal.[82] The year 2014 has been especially violent in northern Kenya, as Mandera, Wajir, and Garissa counties saw the worst inter-communal violence in all of Kenya, resulting in 125,000 displaced persons in Mandera and 85,000 in Wajir.[83] This is due, in large part, to the proliferation of small arms in the region, but the trend can also be partially explained as changing function of armed violence. Armed conflicts driven by political motives – including elections or the desire to remove rivals from coveted land – are more likely to pursue strategies designed to inflict maximum damage on an enemy.
2. **Rise in politically-instigated conflicts.** This This trend observation is closely linked to the drivers of conflicts discussed in more detail below. In the past, competition over pastoral resources tended to fuel communal clashes, but over the last fifteen years, competition for political offices has begun fuelling more armed conflicts in northern Kenya. This includes increased tension over in-migration, as well as importation of settlers/voters from across county or national borders. Political violence in the region has become more organised and has involved both "guns for hire" and standing private militias answering to local politicians.
3. **Rise in violent extremism**. Since 2013, Al Shabaab terrorist attacks have increased in scale and number in

[74] "Kenya: Conflict over Resources in Border Areas," IRIN (August 1 2005) http://www.irinnews.org/printreport.aspx?reportid=55654.

[75] "Even the Police Are Never Safe Here," *The East African Standar*d (July 17 2005); Mwangi O, "Kenya: Conflict in the 'Badlands:' The Turbi Massacre in Marsabit District," Review of African Political Economy 33, 91 (2006), pp81-91.

[76] See the film "The Wajir Story" available at http://www.youtube.com/watch?v=Y1dzs16Heh0; and Menkhaus K, "The Rise of a Mediated State in Northern Kenya: the Wajir Story and Implications for Statebuilding," Afrika Focus [Ghent] vol. 21, no. 2 (2008), pp23-38.

[77] Noor F, "Welcome to the Safe Haven that is Garissa County," *The Star* (December 13, 2010) http://www.the-star.co.ke/news/article-77804/welcome-safe-haven-garissa-county.

[78] Wolf T, Logan C and Owiti J, "A New Dawn? Popular Optimism in Kenya After the Transition," Afrobarometer Working Paper no 33 (2004), p51.

[79] Armed Conflict Location and Event Dataset, "Country Report: Kenya" (December 2013), p2.

[80] This is not meant to be an exhaustive list, only an illustrative one.

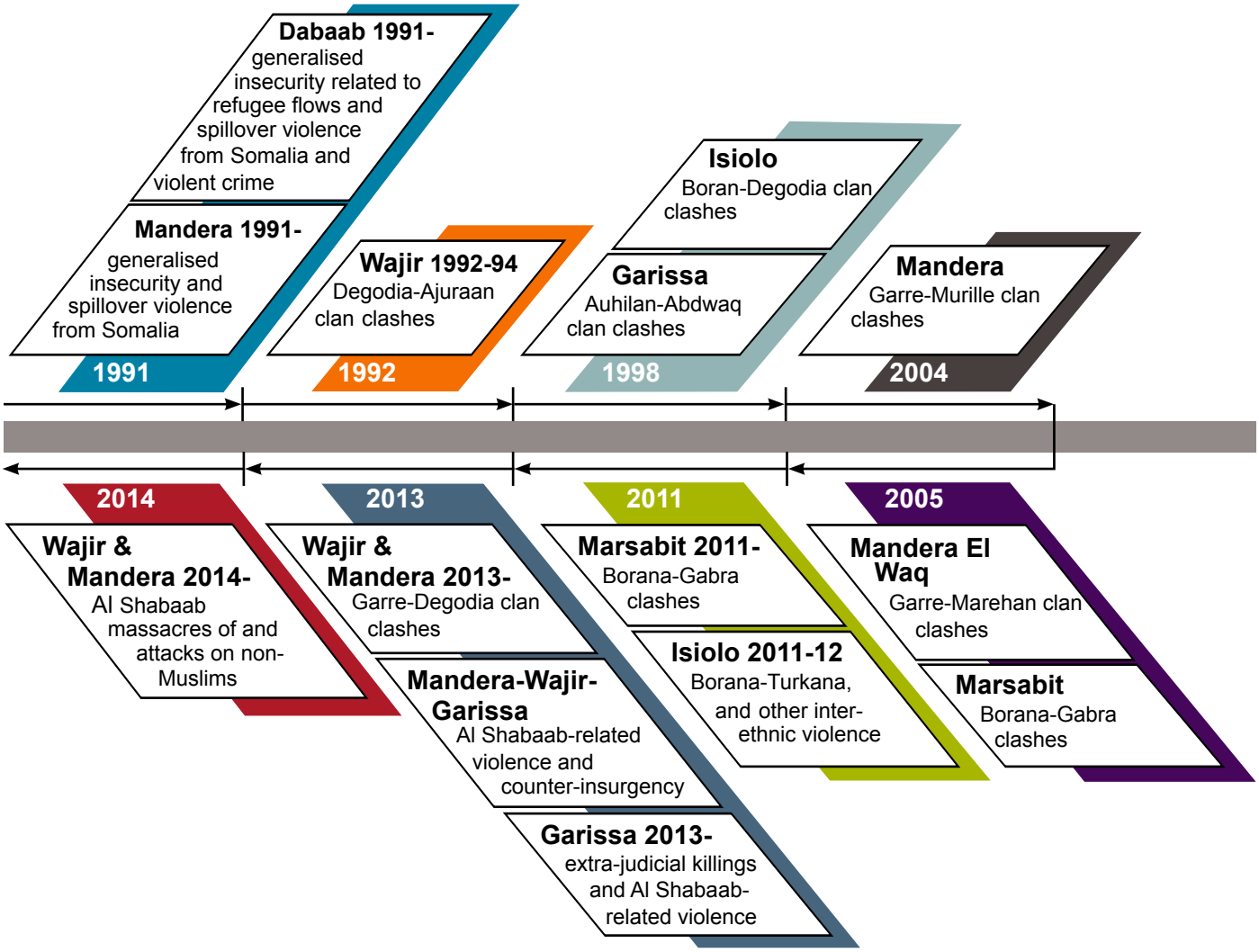
[81] Ipsos Synovate, "Political Barometer Survey," (10 July 2013), p12. Twenty-seven percent of respondents in Northeast Kenyans ranked crime and insecurity Kenya's most serious problem; no other region listed it higher than 11%. "High cost of living" was ranked the single biggest problem across all regions.

[82] See for instance Menkhaus (2005); Waqo HD, "Peacebuilding and Small Arms: Experience from Northern Kenya," Paper presented at the workshop "UN Biennial Conference of States on Small Arms," (New York, 7-11 July 2003); Pkalya R, et al., "Conflict in Northern Kenya: A Focus on the Internally Displaced Conflict Victims in Northern Kenya," (Nairobi: ITGD, 2003) http://payson.tulane.edu/conflict/Cs%20St/GOLDSFIN2.html ; AMANI Forum, "A Conflict Map of Kenya: An Overview of the Conflict Situation in Kenya: Issues, Extent and Effect," (Nairobi: Centre for Conflict Research, August 2002).

[83] OCHA, "Kenya: Inter-Communal Conflict by County (January-November 2014)," (4 December 2014).

northern Kenya, introducing into the region a new form of ideologically motivated violence. These attacks have mainly targeted non-Muslim civilians, and they currently constitute one of the most lethal and destabilising forms of organised violence in the region. Al Shabaab-related violence is examined below under "New Drivers."

4. **Rise in cross-border violence.** Since 1991, armed conflicts in northern Kenya have seen a discernible increase in the movement of armed groups across borders from Somalia and Ethiopia. Northern Kenya's armed conflicts and political violence cannot be understood without reference to wider regional conflict dynamics. Some of this can be described as "spillover" from one side of the border to another, but, in most instances, this is the rise of regional "conflict complexes" that actively feed one another across borders. This trend is treated below under "New Drivers."



Timeline of the most serious periods of armed conflict

3.2 STRUCTURAL AND PROXIMATE CAUSES OF CONFLICT

Existing literature on armed conflict in northern Kenya cites dozens of underlying causes. Taken individually, these are rarely directly responsible for armed conflict. Instead, they contribute to conditions of conflict vulnerability. When armed conflicts do occur, the causes are typically a combination of structural factors, new conflict drivers, and a trigger event.

This study distinguishes between structural and proximate causes of conflict that have been present for an

extended period of time (at least over the past 15-20 years) and new or emerging conflict drivers.[84] Most of the underlying factors that have rendered parts of northern Kenya susceptible to periodic communal violence in the past are still in play. While some are managed better now than in the past, thanks to grazing and peace committees and other measures, others are more virulent than before, due to aggravating factors such as small arms proliferation, new market forces, and environmental change.

What follows is a selection of underlying causes of conflict deemed most critical in northern Kenya at this point in time, not a comprehensive inventory. They include:

3.2.1 COMMUNAL RESOURCE COMPETITION

Ethnically Ethnically based competition over access to natural resources in an environment of mounting resource scarcity has been a chronic stress in the region. Communal contestation over access to rangeland and water sources has been endemic in northern Kenya, resulting in a long history of episodic armed conflict. Access to pasture and wells is a matter of existential importance to the large pastoral population. Competition and contested claims on specific grazing lands create tensions that increase conflict vulnerability. Growing resource scarcity in pastoral zones – attributed to population increase, environmental degradation, restricted access to pasture (due to enclosures, ranches, and development projects) – heighten these communal tensions. Close examination of case studies of communal clashes in the region reveal a near complete preoccupation on the part of clans and their leaders with gaining access and staking claims to pasture and watering sites while warding off rivals.

3.2.2 LAND, AND LONG-TERM MIGRATIONS AND EXPANSIONISM

In a landmark national survey of Kenya in 2004, the Afrobarometer project found that Kenyans clearly perceive land and boundary disputes to be the top cause of communal conflict in the country.[85] Land disputes between neighbouring ethnic groups are a powerful underlying source of conflict. Northern Kenya has been and continues to be the site of major, long-term migration and land occupation by clans and tribes.[86] This pattern has created winners and losers as stronger pastoral groups have pushed their way into rangeland once held by others. Colonial and post-colonial land and administrative policies have sought to stop this trend but with only limited success, and in some cases, such as colonially-imposed tribal borders in pastoral areas, these policies have disrupted seasonal migratory routes and worsened local clashes over land. The history of land occupation and displacement has produced deep communal grievances and widely divergent communal narratives about historic claims to land. Violence entrepreneurs can exploit those narratives. In a 2004 survey, Kenyans cited rural land and boundary disputes pitting rival communities against one another were cited as the top source of armed conflict.[87]

3.2.3 POVERTY, UNEMPLOYMENT AND YOUTH BULGE

Poverty levels in northern Kenya are shockingly high. Northern Kenyan counties are at the bottom of almost every human development ranking in Kenya. All five of the poorest Kenyan counties are in northern Kenya: Mandera, Wajir, Turkana, Tana River, and Marsabit.[88] Poverty levels in the north vary significantly by county, where, Turkana (93%) Mandera (87%), Wajir (85%), and Marsabit (80%) are all exceptionally high, while Isiolo (63%) and Garissa (55%) fare somewhat better.[89]

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[84] Many conflict assessments distinguish between "structural" and "proximate" causes of conflict, arguing that structural causes involves pervasive factors built into a society (such as an illegitimate or weak government) while proximate causes are factors that can contribute to or exacerbate armed conflict (such as small arms proliferation). Some causal factors are relatively easy to categorise along these lines, but others are not and attempts to separate them can lead to confusion rather than clarification. For our purposes, the two are treated together as "underlying" sources of conflict.

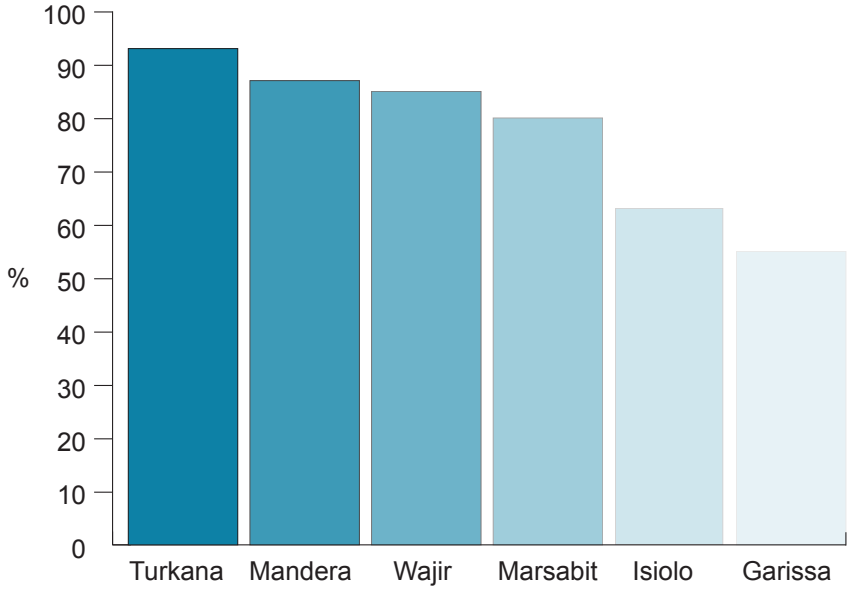
[85] Wolf T, Logan C and Owiti J, "A New Dawn? Popular Optimism in Kenya After the Transition," Afrobarometer Working Paper no 33 (March 2004), p51 http://www.afrobarometer.org/files/documents/working_papers/AfropaperNo33.pdf.

[86] The Somali people, for instance, expanded rapidly across the transJubba area between the Jubba and Tana rivers in the 19th century at the expense of proto-Borama populations. See Turton (1975

[87] Wolf et al, (2004), p51.

[88] SID website http://inequalities.sidint.net/kenya/county/

[89] Kenya Institute for Public Policy Research and Analysis, "Kenya Economic Report 2013" (Nairobi: KIPPRA, 2013), p21. http://www.kippra.org/downloads/Kenya%20Economic%20Report%202013.pdf.



Poverty levels by county

Garissa, Wajir, and Mandera have by far the highest levels of unemployment among Kenyan counties.[90] Wajir and Mandera are also cited as two of the bottom four Kenyan countries for human capital development.[91]

According to statistical data on the northern Kenyan economy, poverty levels are highest among the large rural population, almost all of which is pastoral or agro-pastoral, while unemployment levels are highest in counties with larger urban centres. Lower unemployment levels in the rural sector are a reflection of the subsistence orientation of most agro-pastoralists; higher unemployment in urban areas is at partially a function of "urban drift" by destitute pastoralists who migrate to urban settlements with few of the skills sought in the formal sector of the economy.

High levels of poverty and unemployment are commonly identified as underlying conditions that can, under certain circumstances, render communities vulnerable to armed conflict, both because they fuel grievances and because they produce large numbers of idle and frustrated youth who can be more easily recruited into armed groups. This latter dynamic is of particular concern in northern Kenya because, in addition to very high unemployment levels, the region is currently experiencing a dramatic demographic stress, namely a "youth bulge" in which a disproportionate percentage of the regional population is between the age of 15 and 24.[92] Northeastern Kenya has the highest total fertility rate (5.9, down from 7.0 in 2003) of any region of Kenya, a country with one of the highest population growth rates in the world.[93] Northeastern Kenya's "dependency ratio" is also far higher than the rest of the country, almost double that of some other regions.[94]

Youth bulges are generally, though not always, associated with increased risk of criminality, political instability, and armed conflict, especially when paired with low levels of education and training opportunities.[95] This places the northern Kenyan counties at added risk.

3.2.4 POLITICAL GRIEVANCES AGAINST THE STATE

The general literature on conflict identifies group grievances as a critical structural cause of armed conflict and

[90] Kenya Institute for Public Policy Research and Analysis, "Kenya Economic Report 2013" (Nairobi: KIPPRA, 2013), p31. http://www.kippra.org/downloads/Kenya%20Economic%20Report%202013.pdf. According to this study, the national unemployment rate in Kenya in 2009 was 12.7%. In Garissa, it was 37%; Wajir, 27%; Mandera, 20%. A UNDP study estimates much higher unemployment levels – 60% for youth unemployment for northeast Kenya. See UNDP, "Kenya's Youth Employment Challenge" (Nairobi: UNDP discussion paper, 2013), p49. http://www.undp.org/content/dam/undp/library/Poverty%20Reduction/Inclusive%20development/Kenya_YEC_web(jan13).pdf.

[91] Kenya Institute for Public Policy Research and Analysis, "Kenya Economic Report 2013" (Nairobi: KIPPRA, 2013), xxviii. http://www.kippra.org/downloads/Kenya%20Economic%20Report%202013.pdf.

[92] Nationally, the percentage of the population under 15-24 is 35%; 0-15 is 43%. Institute of Economic Affairs, "Youth Fact Book" (Nairobi: IEA, 2010), p4.

[93] Government of Kenya, National Council for Population and Development, "Kenya Population Situation Analysis" (Nairobi: NCPD, 2013), p41. The Kenyan TFR nationally is 4.6.

[94] Ibid, p25.

[95] Ural H, "A Clash of Generations? Youth Bulges and Political Violence," UN Department of Economic and Social Affairs, Population Division, Export paper No 2012/1 (New York, UN, 2012), p7. http://www.un.org/esa/population/publications/expertpapers/Urdal_Expert%20Paper.pdf.

civil war.[96] Among the most relevant grievances is a perception that the government is marginalising, oppressing, or in some other way treating one's group unfairly. Survey data from Kenya in 2007 revealed that no other subset of society reports a sense of being treated unfairly by government than pastoralists, 58% of whom report that their ethnic group is treated unfairly.[97] Since northern Kenya is home to the greatest concentration of pastoral communities in the country, this survey likely points to a high level of local alienation from the government. This observation is reinforced by a rich supply of grievance narratives in published and web-based sources from northern Kenya.

More importantly, the historical track record of state security abuses of the populations in northern Kenya – now at least partially documented and verified by the Kenyan government itself – has served as a powerful source of alienation and grievances.[98] Both during the period of the state of emergency (1963-1992) and since the rise of counter-insurgency operations against Al Shabaab (2011-), Kenyan security forces have constituted one of the main sources of insecurity for local populations, rather than a source of protection. The impulse to engage in collective punishment against entire Somali communities has contributed to this problem.

3.2.5 BREAKDOWN OF JUSTICE AND CYCLES OF VIOLENCE

Most studies of communal clashes in northern Kenya cite revenge killings and ensuing cycles of retaliatory violence as a recurring cause of armed conflict.[99] The underlying cause of conflict in such cases is lack of recourse to justice in the aftermath of crimes, when the state judiciary is not trusted and dysfunctional, and customary law breaks down. Revenge killing by communal groups taking the law into their own hands can trigger cycles of violence that may last for years and spawn virtual wars.

3.2.6 COMMERCIALISED AND POLITICISED LIVESTOCK RAIDING

Livestock raiding is part of pastoral culture and a rite of passage among some ethnic groups in parts of Isiolo and Marsabit counties. In the past, the practice produced routinised and manageable conflict. Over the past two decades, however, traditional cattle raiding has become much more lethal, due to the ubiquity of small arms in northern Kenya (noted below) and the commercialisation of cattle rustling. The latter has implicated unscrupulous businesspeople, law enforcement, and politicians profiting from large-scale raids and well-organised movement of stolen animals to abattoirs.[100] The scale and violence of livestock raiding has been a powerful source of communal conflict and revenge attacks in Marsabit and Isiolo counties, but not in Somali-inhabited counties, where livestock raiding is uncommon.[101]

3.2.7 URBAN AND PERI-URBAN REAL ESTATE DISPUTES

Rapid growth in northern Kenyan towns is inflating land values and sparking land-banking. Poor and corrupt land titling systems in Kenya facilitate land grabs and multiply land disputes, which, when involving claimants from different ethnic communities, can raise tensions. In-migration to northern Kenyan towns is also leading to rapid increased on claims of plots in peri-urban land at the outskirts of towns, where titled land and trust land claims overlap, adding another dimension to land disputes. Most northern Kenyan towns are organised around neighbourhoods with relatively well-defined tribal or clan identities, but the influx of new arrivals into towns can undermine patterns of ethnic clustering and lead to additional tensions, especially if a community feels that demographic changes are threatening its foothold in a town.

3.2.8 BUSINESS RIVALRIES

As elsewhere in East Africa, businesses in northern Kenya can be a force for peace and co-operation or for conflict, depending on circumstances. In a number of cases across northern Kenya, from Moyale to Isiolo to

[96] For a summary of the literature, see USAID, "Conducting a Conflict Assessment: A Framework for Strategy and Program Development," (Washington DC: USAID, 2005) http://www.gsdrc.org/go/display/document/legacyid/1425.

[97] Logan C, Wolf T and Sentamu R, "Kenyans and Democracy: What Do They Really Want from it, Anyway?" Afrobarometer Working Paper no 70 (April 2007), p16. http://www.afrobarometer.org/files/documents/working_papers/AfropaperNo70.pdf.

[98] TJRC-Kenya, "Report of the Truth, Justice and Reconciliation Commission," vol. IV (2013) http://nisisikenya.com/wp-content/uploads/2013/06/TJRC_report_Volume_4.pdf.

[99] See for instance Pkalya (2003); and Nyunya J, "Reports by National Experts: Kenya. Conflict Prevention, Management and Resolution: Capacity Assessment Study for the IGAD Sub-Region," (Leeds: University of Leeds, Centre for Development Studies, October 2001).

[100] Kenya Human Rights Commission, "Moran No More: The Changing Face of Cattle Rustling in Kenya" (Nairobi: KHRC, 2010).

[101] Why Somalis are relatively inoculated from the threat of livestock raiding and why they generally do not engage in it, is a question we did not secure satisfactory answers to and merits further investigation.

Mandera to El Waq, armed clashes can be traced to business rivalries and attempts by businesspeople to block competition from a rival community by fomenting armed violence between the two groups.

3.2.9 LONG-TERM REFUGEES

Refugees are generally victims of violence, not its causes. But when contained in refugee camps for over two decades, refugee populations can become targets of recruitment into armed groups. The large population of Somali refugees in northern Kenya has a disproportionate impact in a few border areas, most notably in the northern half of Garissa County, where the five camps at Dabaab have hosted as many as 500,000 refugees in recent years, making it the largest refugee complex in the world.[102] Most of the direct problems of insecurity involving Dabaab camps have occurred inside the camp or in the perimeter areas, and have involved chronic and serious violent crime. The refugees are, for the most part, victims of violence at the hands of local armed gangs.[103] But the camp's large population of idle youth, some of whom have lived in the camps their entire lives, are attractive recruits into armed groups. Al Shabaab is active in the camp, recruiting, raising revenues, and periodically engaging in acts of violence.[104]

Dadaab is more than a potential magnet for armed conflict; it is also an economic engine. The large refugee population is also a considerable economic asset for some businesses in Garissa County, which benefit from the demand for consumer goods and services that the refugees generate. One of the great fears in the region is the likely economic impact of large-scale repatriation of refugees if the Kenyan government follows through on plans to reduce the total of refugees to 150,000.[105]

3.2.10 SMALL ARMS PROLIFERATION

For the past 25 years, Kenya has been plagued by proliferation of small arms, with the problem worsening significantly in recent years.[106] The weapons, mainly semi-automatics, are smuggled across Kenya's porous borders with Somalia, Uganda, Ethiopia, and South Sudan. Isiolo, Moyale, Mandera, and El Wak – all towns in northern Kenya – are the primary transit points for arms smuggling.[107] Northern Kenya is at the epicentre of the explosion of small arms. "Northern Kenya, confronted by the multiple challenges of underdevelopment, interethnic resource-based conflicts, and proximity to war-prone neighbouring countries, has had the highest prevalence of small arms," concludes a recent study by Small Arms Survey.[108]

That same study also contends that northern Kenya has a powerful "gun culture", which has been reinforced by chronic insecurity. This leads to a "security dilemma," in which communities arm themselves for defensive purposes but, in the process, trigger neighbouring groups to react by arming themselves as well.

3.2.11 STATE WEAKNESS/POOR GOVERNANCE

In the eyes of some observers, the most powerful underlying cause of conflict in pastoral areas of Kenya is weak governance; all other structural causes of conflict are secondary by comparison.[109] Ineffective government in the "peripheries" of northern Kenya mean the state is unable to provide security, control armed groups and violent criminality, dispense justice, or promote development. Where security forces do have a robust presence, such as in Dabaab refugee camps, they are widely viewed as the principal source of crime and predation, rather than as sources of protection and rule of law. "There is no trust between us and the police," observed one refugee leader. "We cannot work with them to tackle the changing security situation in Dadaab. Instead of protecting us, they rob our shops."[110]

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[102] At the time of this writing the total population in the camps was 356,000. UNHCR, "Dadaab Refugee Camps, Kenya: UNHCR bi-Weekly Update," (16-31 October 2014).

[103] Chonghaile CN, "Insecurity Rises in Dadaab as Kenya Reveals Plans to 'Round up' Urban Somali Refugees," The Guardian (25 December 2013) http://www.theguardian.com/global-development/2013/jan/25/insecurity-dadaab-refugees-kenya-somali.

[104] The impact of the presence of refugees on conflict trends is covered in more detail in the Appendix on Garissa county.

[105] The 150,000 cap on Somali refugees is explicitly stated in the new security legislation under consideration by the Kenyan government.

[106] IRIN, "Kenya: Rising Tide of Small Arms," (3 July 2012) http://www.irinnews.org/report/95793/kenya-rising-tide-of-small-arms.

[107] Sabala K, "The Proliferation, Circulation and Use of Illegal Firearms in Urban Centers: The Case of Nairobi, Kenya," in Bonn International Center for Conversion (BICC), *Small Arms in the Horn of Africa: Challenges, Issues and Perspectives Brief* No. 23. (Bonn: BICC, 2002) p38.

[108] Wapundi M, et al, "Availability of Small Arms and Perception of Security in Kenya: An Assessment," (Geneva: Small Arms Survey, 2012), p24.

[109] Mkutu K, *Guns and Governance in the Rift Valley: Pastoralist Conflict and Small Arms* (Oxford: James Currey, 2008), pp6-9.

[110] Quoted in IRIN, "Kenya: Rising Tide of Small Arms."

3.3 NEW CONFLICT DRIVERS

Five new potential drivers of conflict – devolution, oil exploration, major development projects, violent extremist movements, and displacement – have emerged in recent years in northern Kenya. As with underlying and precipitating causes of conflict, these factors are not invariably associated with armed conflict, and, depending on circumstances, some of these new developments have the potential to be contributors to peace, stability, and development. Current conditions, however, do not favour the latter.

3.3.1 DEVOLUTION AND LOCAL ELECTIONS

As noted above, political devolution is one of the most significant changes in the Kenyan political system since independence. The constitutional drafters envisioned it as a means of reducing tensions related to control over the central government and improving government accountability, democracy, and local ownership. If successful, devolution will be counted as a major contributor to peace and development in the country. It is widely embraced in northern Kenya, where previously marginalised populations are enthusiastic about the prospects of greater levels of self-governance. There are ample reasons to be optimistic about devolution as a long-term source of peace and good governance for Kenya.

In the short term, however, the consensus among observers is that political devolution in Kenya carries significant risks as a potential conflict driver.[111] This concern mirrors more general findings on the opportunities and risks of devolution and decentralisation.[112] For reasons noted below, this is especially the case in northern Kenya.

First, by introducing a new layer of elected government at the local level, devolution is creating and empowering a political authority for which the "rules of the game" are not yet established among local communities. Trust in the new political authorities is low, especially among groups that lost in the elections, and uncertainty is high. It will take time to develop a social compact governing how power may be used at the county level and to determine what rights and access can be expected by groups losing elections. This process will likely be long and iterative. Precedents set early on in the devolution process may establish patterns that will either reduce or exacerbate conflict over county politics in years to come.[113] Those precedents are currently being set across the five counties, and they range from conflict-sensitive to conflict producing.

One approach, attempted most notably in Wajir County, has sought to privilege conflict prevention. Community leaders and clan elders from the three largest clans – the Degodia, Ogaden, and Ajuran – met in advance of the 2013 election and agreed to apportion elected positions by clan in order to reduce the risk of communal violence or discord during and after the election. Leaders then instructed their communities how to vote. This approach came under criticism from democracy advocates who viewed it as undercutting basic democratic principles. It did, however, have the virtue of establishing a core set of "rules of the game" about devolution, namely that – with a goal of minimising conflict – positions and resources would be allocated proportionately along clan lines. Though in the long-term this strategy is undemocratic and enshrines rather than overcomes communal bloc politics, in the short-term it is arguably one means of building trust across communal lines and alleviating fear of abuse of authority and ethno-hegemony.

A second approach – and one that mirrors the dominant trend across Kenya – has been to view the county through the lens of ethnic exclusivism and hegemony. Dominant ethnic groups and clans in some counties took a winner-takes-all approach to the elections, arguing that the county and, by extension, the county budget, jobs and contracts it controls "belong" to them. Numerically smaller tribes and clans in the county (sometimes referred to as "corner tribes") were either given token access to power and resources or told that their clan controlled another county and they should look to that county for support. In Mandera County, the Garre clan combined with smaller clans to monopolise positions at the expense of the Degodia, a move that contributed to the sharp spike in communal violence there in 2013. Since the March 2013 elections brought the first county governments into power, sharp and mounting complaints have been raised across the entire area of northern Kenya that leaders in key positions, especially some governors, have directed the bulk of jobs and lucrative contracts to their own clan or tribal constituencies.

This ethnic exclusivism approach is attractive to political figures of dominant clans and tribes who wish to corner county resources, but it is a worrisome source of grievances and marginalisation and is setting a dangerous

[111] World Bank, (2012), p1.

[112] World Bank (2011), p166.

[113] Ibid p2.

precedent for future means of resource allocation at the county level. The practice of ethnic exclusivism, which is deeply embedded in local discourse over land, rights, and identity, also creates high levels of anxiety among residents, which can be easily exploited by violence entrepreneurs, and incentivises corruption.

A third approach has been to forge coalitions between two or more communal groups in order to sweep key elected positions at the expense of a rival coalition, including, in some cases the single largest clan or tribe in the area. This practice is the most immediately dangerous, as it is seen as a direct provocation by the largest ethnic group in the county. This was the pattern established in Marsabit, where smaller ethnic groups combined to outvote the largest group, the Borana.

A variation on these approaches occurs when large clans are internally divided over a candidate or run more than one candidate, splitting their vote in the process. This approach may result in a smaller communal group winning the election. This occurred in Garissa in 2013 for the governor's seat, when the largest clan, the Talamoge, split between the Adudwak and Abdalla sub-clans, resulting in a victory for the Aulihan candidate.

Especially in counties without a dominant ethnic group or clan, a common conflict-provoking tactic has been to try to manipulate the relative size of ethnic blocs, either by driving out rival groups (typically by claiming they are "outsiders" who reside in a neighbouring county), by importing one's own communal group into the county from elsewhere, or both. Private "political militias" answering to electoral candidates are the main source of this form of violence, which flares up before and during election periods.[114]

In all of these scenarios, the critical element that renders devolution potentially conflict- producing is the ubiquity of ethnic bloc voting and forms of neo-patrimonial politics that reduce an election to a crude ethnic census and politics to the capture and diversion of state resources by clans and tribes and their leaders. Leaders mobilise their ethnic constituencies to vote, and sometimes fight, on their behalf, in return for promises of a lion's share of jobs, contracts, and other state resources. Early evidence suggests that few benefits actually accrue to average members of the leaders' communities. The main stakeholders are the political leaders themselves; businesspeople seeking lucrative contracts; elders; and professionals, including northern Kenyans based in Nairobi or the diaspora, seeking civil service jobs in the county. This class dimension of the struggle over control of county resources is often obscured by preoccupation with ethno-politics in Kenya, despite the fact the country has one of the highest rates of income inequality in the world.[115]

A second stress introduced by devolution is large new county budgets. The stakes over control of county governments are particularly high because of the substantial budgets allocated to each county by the central state. Based on a formula that considers population, poverty levels, land area, fiscal responsibility, and basic equal share, these annual budgets vary by county.[116] Government figures for county budgets range from US$33 million to US$81 million: Garissa County receives US$56 million; Marsabit, US$44 million; Mandera, US$73 million; Isiolo, US$57 million; and Wajir, US$60 million.[117] All five of these counties are listed among the 14 most impoverished counties in Kenya and, as such, receive supplemental funding through the Equalisation Fund, as stipulated in article 204 of the 2010 Constitution.[118]

Even without the potential introduction of oil revenues, these annual budgets constitute enormous sums in poor northern Kenyan communities, and these game-changing resources will remain the principal item over which political leaders and their constituencies struggle in the near future. With such high stakes, the temptation to make recourse to political violence to secure or protect control of these revenues will remain similarly great. Endemic problems of political corruption and lack of accountability also increase the stakes over control of county positions of power by facilitating the allocation of funds to supporters rather than by merit and need. Observers report that in-fighting has already occurred between governors and county assemblies over budget allocations and attempts by assemblies to increase benefits for themselves.[119]

An additional factor related to county budgets is the rentier state phenomenon. County budgets are almost entirely generated by allocations from the central government, with very little produced by local taxation. The result is

[114] Armed Conflict Location and Event Dataset, "Country Report: Kenya" (December 2013), p2.

[115] *Op cit* Vasquez (2013), p8.

[116] Kimenyi M, "Devolution and Resource Sharing in Kenya," (Washington DC: Brookings Institute, October 2013) http://www.brookings.edu/research/opinions/2013/10/22-devolution-resource-sharing-kenya-kimenyi.

[117] These figures are derived from International Budget Partnerships, "County Budgets" http://internationalbudget.org/county-budgets-2/ Slightly different figures -- but relatively close to these -- are found in Government of Kenya, Commission of Revenue Allocation, "County Budgets 2013-14" (Nairobi, August 2013). Subsequent legislation to augment county budgets means that these figures are actually under-stated.

[118] *Op cit* Vasquez (2013).

[119] Interview, Tom Haert, ODI December 15 2014.

a variation of a "rentier state" – that is, a government with a budget derived mainly from "rent" of indigenous resources ("gifts of nature," such as such as oil, land for military bases, seaports), rather than from taxation of their own citizens. Rentier states vary in their performance, but are generally associated with low accountability, high corruption, distributional conflicts, and political violence.[120] Kenya's counties are supposed to generate a portion of their own budget through local taxes, but in northern Kenya, a combination of low government capacity and high poverty mean that for the foreseeable future government revenues will primarily arrive from Nairobi.[121]

Third, devolution (along with new development projects and oil exploration) has also heightened existing or latent disputes over county borders. Seven of Kenya's 24 county border disputes involve one of the five counties under study: (1) Meru-Isiolo; (2) Garissa-Tana River; (3) Wajir-Garissa; (4) Wajir-Mandera; (5) Isiolo-Garissa; (6) Wajir-Marsabit; and (7) Marsabit-Samburu. In essence, virtually every north Kenya County has claims against one or more of its neighbours. In the case of Wajir, every one of its borders is contested except its international border with Somalia.

Because counties frequently serve as proxies for clan or ethnic groups, the competing claims are very much a matter of communal claims. Where valuable resources – oil exploration sites or major development projects, such as the Isiolo international airport – are situated in disputed border areas, the stakes can be quite high. But even remote pastoral areas have proven to be extremely contentious, as is evidenced by the lethal 2014 clashes sparked by a new road to a disputed settlement on the Mandera-Wajir county border.[122]

Relief from the government for this crisis is not yet on the horizon. Government mechanisms to address county border disputes are not functioning. The Independent Election and Border Commission (IEBC) is formally mandated to address the issue, but it lacks both resources and public confidence. The Ministry of Land and the National Land Commission are competing with one another and with the IEBC over responsibility for border issues, leading to confusion over authority. The Senate has entertained a motion to create a commission to address the problem, but there appears to be little political appetite to wade into such a contentious issue, so the county border disputes may be a more protracted source of conflict than expected.[123] Reviewing this situation, one recent conflict analysis concluded that "unless the IEBC presides over a carefully planned, objective and just boundary delineation process, it is bound to cause disputes that play into historical grievances and identity politics."[124]

Another stress in the devolution process is tension between elected county governors and appointed county commissioners, especially on matters of peace and security. These tensions reflect on-going national debates over the division of labour and power between these two county executive positions. This conflict trickles down to the subordinates of the governors and commissioners working at the sub-county and ward level.[125] Divided executive authority in Kenyan counties can weaken the government's capacity to respond to emerging conflicts. Elected governors are often viewed locally as partisan – as representatives of their clans or tribes, whose principal obligation is to advance the interests of their communal group, not the county population as a whole. This perception weakens the county government's capacity to serve as a neutral arbiter of violent communal clashes. While commissioners are sometimes in a better position to mediate and resolve local clashes, governors are insistent on the need for more county government role in matters of peace and security as "they have a unique connection with the electorate who voted them in."[126]

3.3.2 HYDRO-CARBONS

Oil exploration is still in its early stages in northern Kenya, and so is not yet a major source of conflict. But this is changing, as oil exploration activities have intensified since Tullow Oil made its discoveries in Turkana in 2012.

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[120] Aslaksen S and Torvik R, "A Theory of Civil Conflict and Democracy in Rentier States," *Scandinavian Journal of Economics* 108, 4 (2006), p571-85; Matthias Basedau and Jay Laye, "Resource Curse or Rentier Peace? The Ambiguous Effects of Oil Wealth and Oil Dependence on Violent Conflict," J*ournal of Peace Research* (2009); Wegenast and Basedau 46, 6 (2014), p757-776; Cuvelier J, Vlassenroot K and Olin N, "Resources, Conflict and Government: A Critical Review," *Extractive Industries and Society* (2014) http:// dx.doi.org/10.1016/j.exis.2014.07.006; Ross M, *The Oil Curse: How Petroleum Wealth Shapes the Development of Nations* (New Jersey: Princeton University Press, 2012).

[121] *Op cit* Vasquez (2013), p12.

[122] See Appendix case studies of Mandera and Wajir counties for details on this conflict.

[123] *Op cit* Vasquez (2102), p12.

[124] Ndung'u J and Wepundi M, "Transition and Reform: People's Peacemaking Perspectives on Kenya's Post-2008 Political Crisis and Lessons for the Future," (Nairobi: Saferworld, March 2012), p5.

[125] This helpful observation was shared by participants in the Nov 25 2014 validation workshop on the main findings of this report.

[126] Ollinga M and Koskei S, "North Rift Governors Insist on More Say in Security Decisions," *The Standard* (14 December 2014) http://www.standardmedia.co.ke/mobile/?articleID=2000144668&story_title=governors-insist-on-more-say-in-security-decisions

Exploration alone is raising local expectations and anxieties over jobs, land, and control of oil revenues. If and when commercially viable oil is extracted and oil revenues begin to flow, disputes between local clans or tribes, county governments, oil companies, and the state over revenue distribution, jobs, contracts, and compensation for lost or damaged land will intensify.

The critical factor amplifying the potential for oil exploration and extraction to become a "resource curse" rather than a blessing is poor governance. "Unless Kenya's institutional weaknesses are addressed early on," concludes Patricia Vasquez, "the availability of hydrocarbon revenue, which should normally be a blessing, could turn into a curse."[127] She notes a specific convergence of factors present in northern Kenya that increase volatility: "Scholars agree that oil production in countries with weak institutions, where the reserves are located in regions populated by marginalised groups that carry strong grievances, are more vulnerable than others to violent conflict."[128]

In northern Kenya, poor governance and its linkage to oil exploration has several dimensions. First, national legislation governing allocation of oil and natural gas revenues between the central government and counties from which the hydro-carbons are extracted remains unclear and, hence, a source of contestation. Second, weak systems of financial accountability are producing very high levels of corruption at the national and county levels. Once oil revenues are introduced into the equation, corruption could potentially explode, yielding deep grievances and raw power struggles for control of the state agencies controlling oil revenues. Experience from other cases is not reassuring. One study reports that in other countries where oil revenues were introduced in a context of decentralisation, it produced "extremely negative results."[129] Third, the lack of a developed set of "rules of the game" for negotiating access to and the allocation of the resources generated by oil exploration and extraction – especially jobs and contracts – increases the odds of communal clashes over those goods. Finally, weak nascent county governments are less likely to be in a position to mediate, manage, and prevent conflicts that are certain to arise over a host of oil related issues.

Low levels of openness and transparency associated with the oil sector reinforce communal fears of the hidden costs of extraction and contribute to a climate of mistrust. "Information vacuums" regarding oil extraction have already been blamed for contributing to communal clashes in Turkana County.[130]

Oil exploration and extraction are expected to produce a number of different stress points locally that could render areas more vulnerable to political violence. They include:

1. **Communal and county land disputes.** As noted above in the discussion on devolution, hydro-carbon exploration is enflaming long-standing communal and county disputes over land and is dramatically increasing the stakes over the outcome of those disputes. In northern Kenya, the most significant county dispute fuelled by the prospect of oil is between Garissa and Isiolo counties.

2. **Employment.** For average residents, the most immediate item of contestation with oil extraction is jobs. Expectations are high and even inflated that the oil sector will bring lots of employment to these highly impoverished regions. In Turkana, where oil operations are already well underway, this was a top local priority. "When the companies come here, the local people expect employment," observed a local civil society leader. "If this is not done, we are anticipating conflict."[131] In late 2013, protests demanding more jobs and training for local residents in Turkana shut down Tullow Oil operations for two weeks, resulting in company agreement to spend millions on social projects and job training.[132] Complaints have already arisen in Wajir County over allocation of jobs linked to oil exploration.[133]

   While local expectations for employment with oil companies can be easily exploited by elites seeking to mobilise protests or acts of sabotage for their own benefit, the quest for jobs is also one of the most immediate and genuine desires held by average citizens. Demands for local jobs, however, are not likely to be fully met, and, hence, are almost certain to constitute a simmering tension in oil producing areas of northern Kenya. This is so for two reasons. First, oil extraction is not a labour intensive industry, so it is not likely to produce as many

[127] Op cit Vasquez (2013), p4.

[128] Ibid.

[129] Ibid p8.

[130] Constantaras E, "After the Oil Drilling Started, Environmental Impact is Still a Mystery," *Landquest* (9 January 2014) http://landquest.internewskenya.org/environmental-impact-of-oil-drilling-a-mystery-to-citizens-and-civil-society/#!/loc=2.3806171999999974,35.64977699999999,17.

[131] Weru A, "Kenya: Oil, Hope and Fear," IRIN (12 May 2012).

[132] Akumu W, "Tullow Oil's Woes in Turkana Expose the Soft Underbelly of EA," *The East African* (9 November 2013) http://www.theeastafrican.co.ke/business/Tullow-Oil-woes-in-Turkana-expose-the-soft-underbelly-of-EA/-/2560/2066904/-/4jyjr9z/-/index.html.

[133] Mohamed IS, "Oil Must Be Fair in Dishing Out Goodies," *The Standard* (11 January 2014) http://www.standardmedia.co.ke/?articleID=2000102087&story_title=Kenya-oil-firms-must-be-fair-in-dishing-out-goodies.

jobs are local communities expect. Second, local residents likely lack the adequate education and training for skilled positions, and so outsiders, either foreigners or Kenyans from other parts of the country, will likely fill these jobs. This latter scenario will be a particularly sensitive conflict issue, if local communities conclude that "down-country" Kenyans are "stealing" employment that belongs to them.[134]

Violence emanating from this source of discontent is likely to either be directed at the non-resident Kenyans or at the oil company staff and installations. Acts of sabotage or threats that suspend oil exploration would almost certainly result in deployment of national security forces, raising the increased risk of government clashes with local armed groups, a trajectory that has occurred in numerous other oil-producing areas where revenue-sharing or employment have been contested.

Oil companies vary in their capacity and willingness to understand and engage local authorities and communities on local grievances. Devolution complicates the landscape for oil firms, which often believe signing a contract with the central government absolves them of any additional obligation to negotiate with county and community leaders. The degree of local awareness and political acumen of oil firms is an important variable in shaping whether or not issues such as jobs and contract allocation become conflict issues.

Even where oil firms are well-informed about expectations of local employment, the issue will be nettlesome. Part of the problem lies in contested claims over what constitutes a "local" hire. Some claimants insist it means preferential access to jobs for the communal group on whose land the extraction work is conducted, a position that opens the door for members of that local ethnic group living in the diaspora or the capital Nairobi. For others, these distant "co-ethnics" are viewed as outsiders, and only those living in the immediate area of extraction should be considered "local." This is a point of sensitivity as oil firms prefer to hire skilled and credentialed individuals who are, on average, much more likely to be found in the diaspora or the capital.

The other problem related to employment of local populations is the very low level of education and training of the northern Kenyan population, which eliminates them from consideration for higher skilled positions. In Garissa County, MP Dahiye Duale recently noted that a teacher recruitment programme netted 260 applicants, only 10 of whom were from Garissa.[135] That speaks volumes about the weak human resource base in northern Kenya.

3. **Contracts**. Local business generated by oil firms – in the form of contracts to provide security, transport, procurement, and a host of other goods and services – are a major prize for local businesspeople, including interests based in the capital and overseas in the diaspora. When contracts are awarded to national companies from outside the local community, locally-based business interests can resort to engineering security incidents and protests in order to insist on awarding of contracts to local firms.
4. **In-migration.** Oil exploration sites invariably alter local demographics, attracting individuals from outside the area who seek employment or who set up shop to meet new demands generated by the oil money. This has the potential to generate communal tensions in northern Kenya, where sensitivities run high over in-migration, especially when local businesses face new and superior competition from newcomers. Businesses are expected to spring up around the oil extraction sites, but oil extraction itself tends to involve only modest levels of employment, so tensions over in-migration due to oil are less worrisome than are population movements associated with LAPSSET, which are expected to be much larger (discussed below).
5. **Dislocation of pastoralists or loss of rangeland**. Oil exploration and extraction can require a minimal but not insignificant loss of land to clear-cutting for exploration, as well as land for oil extraction and compounds. For security reasons, oil operations will be protected, potentially blocking pastoral movement in the extraction area. The extent to which this will be an actual problem in northern Kenya is not yet known and will depend both on whether pipelines are laid above or below ground and whether passages will be constructed to allow pastoral migration to flow uninterrupted. In some northern Kenyan counties such as Isiolo, where a combination of military bases, game parks, and private ranches have already disrupted pastoral movements, the prospect of any additional impediments to herd movements is likely to be met with protests and potential violence. Loss of rangeland and reduced mobility will be very sensitive issues for pastoral groups, which will demand compensation. If left unaddressed, these grievances will provide easy tools to mobilise pastoralists against the oil site.
6. **Land grabbing**. Land in the immediate vicinity of oil production areas will become high value, and, in a context

[134] This was one of the grievances that sparked the 2013 Turkana protests against Tullow Oil. According to Tullow, 57% of Kenyan employees at the site are Turkanas, who fill 85% of unskilled and semi-skilled jobs. Akumu, "Tullow Oil's Woes" (2013).

[135] Rift Valley Institute, "Panel Discussion: Managing Development and Security in North-Eastern Kenya," (Nairobi, RVI Nairobi Forum, 27 September 2013) http://www.riftvalley.net/publication/managing-development-and-security-north-eastern-kenya#.VI46VGt0zIU.

of poor or unenforced land titling, powerful individuals – both local and from outside the area – will lay claim to newly valuable land. As noted below with regard to LAPSSET, land is one of the most sensitive conflict issues in northern Kenya, and any instance of land grabbing is a dangerous invitation to armed violence.

7. **County vs national vs local claims on revenues.** Kenya is moving toward the finalisation of legislation that will clarify the allocation of oil revenues between local, county, and national government. The latest proposed division of revenue, expressed in the draft Petroleum bill, is 75% to the national government, 20% to the county, and 5% to the local community.[136] If this holds, it may reduce or eliminate the prospect of violent protests over oil revenue distribution, though some communities are demanding much higher percentages of the royalties. The draft legislation also envisions caps on the total allocation of revenues to oil-producing counties, at double the amount allocated by the Commission for Revenue Allocation. If these provisions in the draft legislation are not viewed as legitimate in some local areas, the issue could serve as another possible conflict driver.
8. **Environmental impact.** Complaints have been raised that environmental impact assessments in oil exploration and extraction sites have not been easily made available to the public, raising fears among some local civic leaders of environmental damage.[137] Field interviews for this study suggest that pastoralists are aware of potential environmental damage from oil extraction and will be quick to demand compensation for any damage to rangeland or water sources. These could conceivably spiral into wider disputes with state security forces or acts of sabotage if compensation is delayed or denied.
9. **Water diversion.** Oil extraction can sometimes require significant quantities of water as part of enhanced oil recovery (EOR) methods of extraction. In parts of the world where water scarcity is high and local demand for water exceeds local interest in oil extraction, a conflict over water usage can occur, as has happened across the southwest of the United States from Texas to California. In arid northern Kenya, where subterranean water is one of the most critical, non-negotiable sources of life and livelihoods, any community loss of water access or indication of rapid fall in water tables is likely to produce immediate and potentially violent reaction against oil extraction.

3.3.3 MAJOR DEVELOPMENT PROJECTS

Northern Kenya is the site of an ambitious infrastructure and development project, the proposed LAPSSET project, which is a flagship element of Kenya's Vision 2030 blueprint for development. If all elements of the project are completed – including an oil pipeline, rail-line, highway, resort cities, dams, and an expanded international airport – the total investment in northern Kenya could reach US$25-30 billion. The project has the potential to catalyse major new economic growth in northern Kenya by creating jobs, sparking rapid urbanisation, and dramatically improving market access. For a region that has suffered from decades of isolation and lack of investment, this is a game-changing development. To the extent that it can deliver on improved livelihoods and employment locally, LAPSSET can be a source of peace. But LAPSSET also has the potential to raise social tensions and introduce new conflict dynamics into the region if conflict issues are not effectively anticipated and managed. Interviews suggest that the impact of LAPSSET is currently a greater source of anxiety for residents, and a greater potential source of conflict, than are oil exploration and extraction, though that is likely to change when oil exploration intensifies in coming years.

The transformational changes in local political economies introduced by LAPSSET would be stressful and potentially destabilising in any setting. In a context of on-going political devolution, where lines of authority remain contested and uncertain, where the basic "rules of the game" of local politics have not yet been established, and where social and political trust is low, the risk of political conflicts turning violent is higher.

At the time of this writing, a number of uncertainties exist about aspects of the LAPSSET project, including over financial viability, security concerns, and possible alternative pipeline routes for oil from south Sudan and Uganda.[138] Some reports suggest that the project may be scaled back. The government, however, has repeatedly confirmed its commitment to this project, and construction on portions of the project has already broken ground, from the seaport at Lamu itself to airport expansion at Isiolo to the new highway linking southern Ethiopia at

[136] Senelwa K, "How Kenya plans to Get More Money from Oil, Gas," *The East African* (Oct 25 2014) http://www.theeastafrican.co.ke/news/Kenya-reviews-oil--gas-revenue-sharing-formula-/-/2558/2498760/-/item/0/-/8ynrgmz/-/index.html.

[137] Constantaras E, "After the Oil Drilling Started, Environmental Impact is Still a Mystery," *Landquest* (9 January 2014) http://landquest.internewskenya.org/environmental-impact-of-oil-drilling-a-mystery-to-citizens-and-civil-society/#!/loc=2.3806171999999974,35.64977699999999,17.

[138] "Pipeline Poker," *The Economist* (25 May 2013) http://www.economist.com/news/middle-east-and-africa/21578402-east-africa-danger-throwing-away-part-its-new-found-oil.

Moyale to the planned Isiolo-Garissa-Lamu highway.[139]

Even with uncertainties and delays, the LAPSSET project has set in motion a range of anticipatory and speculative responses at the local and national level, and, in the process, has demonstrated how major new developments can have powerful impacts whether or not they actually materialise.

To date, LAPSSET's significant impacts shaping conflict dynamics include:

1. **Heightened communal anxieties.** Residents of northern Kenya express high anxiety about the potentially transformational changes that LAPSSET may bring. Though they acknowledge the many benefits these projects could generate, residents fear that others will monopolise those benefits and that they will be left as bad or even worse off than before the project began. High levels of distrust are expressed in all directions, including toward the central government, foreign contractors, rival communal groups, and political elites from within their own communities.[140] A long history of corruption and resource grabbing in Kenya, combined with an enduring sense of political marginalisation in northern Kenya, reinforces these fears.

   Communal anxiety that LAPSSET may constitute a Trojan Horse will not in and of itself produce conflict, but it creates stress and suspicions easily exploited by political entrepreneurs. Poor levels of transparency and public engagement associated with LAPSSET projects fuel rumours, conspiracy theories, and a sense that only those with privileged access to information will benefit from the projects, and local populations fear they do not count in this group.

2. **Land banking and land grabs.** Land banking – purchase of land holdings in anticipation of rapid increase in future value – can involve entirely legal transactions, but it tends to favour individuals with inside information on how some sort of planned development may impact property values. In the case of northern Kenya, real estate in towns targeted for major LAPSSET projects, as well as in rural areas near the planned highway, has been the main target of land banking. Local urban dwellers in locations like Isiolo, Garissa, and Lamu can be beneficiaries of spikes in land value if they own and have deeds to their land. But for those who do not hold titles to their land or who rent view land banking by wealthy outsiders with alarm.

   Land grabs are, for the purposes of this study, illegal acquisition of land that is already of high value or the value of which is expected to increase. In northern Kenya, this speculative behaviour has most often occurred in areas designated communal land – one of three types of legal disposition of land recognised in the 2010 Constitution (communal, public or state-owned, and private). Private individuals with both sufficient capital and political influence have acquired communal property (typically rangeland) in areas where LAPSSET projects are expected. The extent of this practice is impossible to gauge, but interviewees believed it to be a significant problem and a potential conflict trigger, especially because it usually involves "outside" Kenyans appropriating land claimed by a local clan.

3. **Land alienation by LAPSSET projects.** LAPSSET projects will require some land to be reclassified from communal to public and, where large settlements are anticipated, from communal to private. Local groups that stand to lose particularly large tracts of communal land – as is the case with the planned resort city in Isiolo County – will be deeply opposed to the project unless fairly compensated.

4. **Dams and water diversion.** The planned dams of the Ewaso Nyiro River at Crocodile Jaws and Ngerendare are intended to provide electricity and water for both the planned resort city and for Isiolo town, which is expected to grow dramatically. The dams are supported by top Isiolo political figures but opposed by communities downstream, who fear permanent loss of water and a disastrous impact on pastoralism and agriculture.[141] This has the potential to become a festering grievance and source of infrastructure sabotage. The reduction in water access downstream and dry season rangeland will also intensify pastoral resource conflict.

5. **In-migration.** LAPSSET is expected to trigger significant migration into northern Kenya, mainly from highland areas of Kenya and mainly involving individuals seeking employment. These individuals often travel to begin

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[139] Gitau P, "President Uhuru Kenyatta to Launch Lapsset Construction," *The Standard* (November 25 2014) http://www.standardmedia.co.ke/thecounties/article/2000142461/uhuru-to-launch-lapsset-construction.

[140] This finding, reflected in our field interviews, mirrors a national trend. A national survey of political attitudes by Afrobarometer in 2012 found very high levels of distrust among Kenyans -- in other people and in institutions -- and found that trust levels had declined since the 2007 electoral violence. See Afrobarometer "Identity, Inter-personal Relations, Trust in Institutions and Citizenship: Results from the Afrobarometer Round 5 Survey in Kenya," (Power Point summary of findings, March 2012), slides 9, 19. http://www.afrobarometer.org/files/documents/media_briefing/ken_r5_presentation3_identity_12nov2012.pdf
A recent social cohesion survey of Kenya fond that Wajir, Mandera, and Garissa populations registered the lowest scores on the "social cohesion indices" which measured trust and other indicators of social cohesion. Isiolo and Marsbit counties scored close to the national average. See KIPPRA, "The Status of Social Cohesion in Kenya, Draft Report," (Nairobi: KIPPRA, 2013), p19.

[141] Abdi A, "Sh10 Billion Dam Causes Uproar From Isiolo Residents," *The Standard* (13 July 2013) http://www.standardmedia.co.ke/article/2000088699/sh10-billion-dam-causes-uproar-from-isiolo-county-residents.

previously secured jobs or to start their own businesses. The scale of this in-migration will vary by location but is expected to produce transformation of demographics in Isiolo and Lamu, where the population of new cities could rapidly grow into the hundreds of thousands of people.

This prospect has raised high levels of anxiety in locations anticipating the greatest influx of newcomers. The principal concern is that the newcomers will tip the demographic scales in ways that cause the largest ethnic communities in the area to lose their numerical preponderance and, hence, their ability to win elections and control county government. The fear of being "swamped" or "overrun" by outside Kenyan "settlers" (a very loaded word in the Kenyan context) can easily be manipulated by political elites and armed groups seeking to inflame communal relations and justify violence directed at civilians. Al Shabaab did precisely this in its June 2014 massacre in the coastal village of Mpeketoni. Mpeketoni is mainly inhabited by down-county Kenyans, and Al Shabaab justified the killings on the grounds that the land was a Muslim area that had been "invaded and occupied by Christian settlers."[142]

Exclusivist claims on territory and on rights within that territory based on identity – "autochthony, or "sons of the soil", arguments – are common across much of the world, but they appear to be especially powerful in East Africa and Somalia.[143] A significant amount of politically-motivated communal violence in Kenya can be traced to leaders invoking autochthony arguments against "settlers", including, most notably, the post-election violence in the Rift Valley in 2007-08. A major population migration by down-country Kenyans into development hot-spots in northern Kenya will render those areas potential communal conflict hotspots as well. At present, two locations are of particular sensitivity – the coastal area where Lamu port city is planned, and Isiolo town and surrounding areas. The Lamu area is beyond the geographic scope of this study but is closely tied to wider trends in northern Kenya's LAPSSET corridor and hence worthy of close monitoring. Of all the potentially destabilising migrations into Isiolo town, a large increase in migrants from neighbouring Meru county will be the most inflammatory, since Meru county – as noted below – claims some of the valuable LAPSSET project land in the border area near Isiolo town.

6. **Intra-county disputes over project sites.** Of the many county border disputes in northern Kenya, the most contentious are likely to be in areas where LAPSSET-related developments are situated. Counties possessing expanded airports, resort cities, and highways will be in a position to earn sizable tax and other revenues from the projects, and communal groups in political control of county governments will be well placed to lay claim to jobs contracts, and real estate. The Isiolo-Meru border dispute near Isiolo town and airport is the most potentially explosive of these.

3.3.4 SPILLOVER VIOLENCE FROM NEIGHBORING STATES

Northern Kenya has long been subject to unwanted spillover effects from violence in neighbouring countries Somalia, Ethiopia, Sudan, and Uganda. As noted above, the flow of cheap small arms into and through northern Kenya, and the disastrous impact this has had on the lethality of communal violence, has been well documented for over fifteen years.[144] Spillover has also included trans-border communal clashes; armed militia and armed criminal gangs crossing into Kenya and engaging in attacks; assassinations and other attacks in Kenya driven by political or communal tensions in a neighbouring country; temporary recruitment of co-ethnic militiamen from across the border by Kenyan communal leaders in clashes with rival clans; cross-border terrorism; use of Kenya as a base and safe haven by insurgency groups opposed to the Ethiopian government; and, in the case of Ethiopia, government security forces, para-militaries, and operatives crossing into Kenyan territory and engaging in acts of violence.

Two forms of violent spillover from Somalia and Ethiopia warrant special attention.

1. **Al Shabaab terrorism.** Al Shabaab has maintained a presence in northern Kenya as well as the Eastleigh neighbourhood of Nairobi a decade. For most of that period it maintained a low profile, using northern Kenya to recruit and as a cross-border transit area into Somalia. Eastleigh was a much more important base for the group than locations in northern Kenya. The main concentration of Al Shabaab militia and activities were just across the border in El Waq and Bulo Hawa, as well as in the Dabaab refugee camps. Until 2012, Al Shabaab-related acts of political violence in northern Kenya were mainly limited to assassinations of rivals

[142] "Al Shabab Claims Deadly Kenya Attack," Al Jazeera (17 June 2014) http://www.aljazeera.com/news/africa/2014/06/al-shabab-claims-role-deadly-kenya-attack-2014616142644395473.html.

[143] Boas M and Dunn K, *Politics of Origin in Africa: Autochthony, Citizenship, and Conflict* ((London: Zed, 2013).

[144] See for instance Goldsmith P, "Cattle, Khat and Guns: Trade, Conflict, and Security on Northern Kenya's Highland-Lowland Interface," (Isiolo, Kenya: APPEAL-KENYA, Conflict and Conflict Management in the Horn of Africa Case Study, May 1997). http://payson.tulane.edu/conflict/Cs%20St/GOLDSFIN2.html; Pkalya (2003); Subo (2002); Menkhaus (2005).

and occasional attacks on Kenyan security forces.

The prevailing explanation for Al Shabaab's reluctance to engage in major acts of terrorism inside Kenya prior to 2012 – despite the wealth of soft Western targets there – was in part that Kenya was useful to the group, and Al Shabaab did not want to jeopardise access. Perhaps as important, Kenya is the site of significant Somali business and real estate investments and a large, established Somali diaspora population. Powerful Somali stakeholders in Kenya's stability, it was believed, would react negatively to any Al Shabaab actions that jeopardised their investments. Fear of Somali blowback appears to have constrained Al Shabaab in Kenya up until 2012.

During that time, however, Al Shabaab had surprising success recruiting from Kenyan Somali youth in northern Kenya. In Isiolo, as many as 60 Somali youth have disappeared and are believed to have joined Al Shabaab.[145] A series of reports on Al Shabaab since 2009 have claimed that Kenya has become one of the principal sources of new recruits into Al Shabaab.[146] This is somewhat surprising because Somali Kenyans had been enjoying improved political standing in Kenya, better prospects for business opportunities (especially in Eastleigh and Garissa, the two biggest Somali commercial hubs) and were believed not to see themselves as stakeholders in the long-running crisis in Somalia. These assumptions turned out not to be entirely tenable, as Al Shabaab has succeeded in convincing hundreds of Kenyan Somalis to join its cause, either in Somalia, or as part of the Al Hijra network inside Kenya itself.[147] This highlights the fact that the Somali Kenyan "stakeholders" in peace and stability are mainly the wealthy or middle class and urban. Improved livelihoods, education, political voice and opportunities have not reached the majority of poor and marginalised Somali Kenyan youth in northern Kenya.

In late 2011, Al Shabaab began to accelerate terrorist attacks inside Kenya. In 2012, almost a quarter of the group's acts of terrorism occurred inside Kenya, with 25 of the 33 attacks taking place in northern Kenya.[148] Two reasons are frequently cited for this shift in targeting. One argues that the spike in terrorist attacks inside Kenya is in retaliation for the Kenyan military offensive against Al Shabaab into southern Somalia in October 2011. Al Shabaab itself has explicitly used the Kenyan intervention as one of several justifications for its attacks inside Kenya, though it has expanded its rationale to include oppression of Muslims inside Kenya as well, a move that appears designed to align with local anger over heavy-handed government counter-terrorism tactics and long-term frustration with marginalisation of Muslim Kenyans.

A second explanation for Al Shabaab's offensive inside Kenya is that it constitutes an act of desperation – and one that appears to have paid off – on the part of a group that was in a state of serious crisis inside Somalia.[149] By 2011, Al Shabaab was losing territory, local support and legitimacy inside Somalia between 2009 and 2011, and it was beset by serious internal divisions that culminated in a bloody internal battle and leadership purge in the summer of 2012. By then, the group looked to be in a state of terminal decline. According to this school of thought, Al Shabaab's decision to launch major terrorist attacks inside Kenya was a major gamble designed to rejuvenate the group's fortunes by reframing the battle as one of Muslims versus non-Muslims and Somalis versus non-Somalis.[150] Provoking a heavy-handed Kenyan government response was critical to this strategy.

The first wave of Al Shabaab attacks in northern Kenya in 2012 involved diverse, often symbolic targets of opportunity, including private citizens and property, churches, bars and Kenyan military, government and police personnel and offices.[151] Those attacks were overshadowed by the dramatic armed attack on the Westgate Mall in Nairobi in October 2013, which succeeded in eliciting a Kenyan government response that deeply alienated many Somali Kenyans and may have earned Al Shabaab new recruits. Since that time, the group has continued to target Nairobi, while expanding its targeting of civilian non-Muslim populations in the coastal areas and northern Kenya. The June 2014 massacre of up-country migrants at Mpeketoni near Lamu was justified as an attack on Christian "occupiers" of Muslim lands (see Section 3.3.3 on "In-migration" as a conflict driver), a line of reasoning that resonates with local populations upset at land lost to "settlers" from up-

[145] Barasa L, "Kenya: Inside Al-Shabaab Network in County," *Daily Nation* (29 October 2011). http://allafrica.com/stories/201110300069.html.

[146] A widely cited and circulated July 2009 US Embassy document, "Portrait of Al-Shabaab Recruitment in Kenya," detailed the extent to which the group was recruiting in Eastleigh, Isiolo, and elsewhere in Kenya. That document is discussed in Barasa, (2011). See also Crisis Group (2104).

[147] Crisis Group (2014); and Crisis Group, "Kenyan Somali Islamist Radicalisation," Africa Briefing no 85 (Nairobi/Brussels, ICG, January 2012) http://www.crisisgroup.org/en/regions/africa/horn-of-africa/kenya/b085-kenyan-somali-islamist-radicalisation.aspx.

[148] START, "Background Report: Al-Shabaab Attack on Westgate Mall," (September 2013), p1 http://www.start.umd.edu/sites/default/files/publications/local_attachments/STARTBackgroundReport_alShabaabKenya_Sept2013.pdf. The locational breakdown of the 2012 attacks is as follows: Garissa town, 13; Nairobi, 8; Mandera, 4; Wajir, 4; and Ifo (a Dadaab refugee camp), 4.

[149] Menkhaus K, "Al-Shabaab's capabilities Post-Westgate," *CTC Sentinel* 7, 2 (February 2014), pp4-9.; Byrden (2014).

[150] Ibid.

[151] *Op cit* START (2013), p1.

country Kenya. This logic would, however, constitute an invitation to unending war in a country where so many non-Muslims have relocated to Muslim-populated areas. Subsequent Al Shabaab attacks in Mandera and Wajir in late 2014 – including an execution-style massacre of 28 non-Muslims taken off a bus from Mandera to Nairobi, an execution-style massacre of 36 Central Kenyan quarry workers in Mandera and a grenade attack in a bar in Wajir – appear designed to provoke wider Christian-Muslim communal violence in Kenya, an outcome which would polarise the country along religious lines and presumably drive Muslims to Al Shabaab.

Though Al Shabaab principally operates in Somali-inhabited portions of northern Kenya, it has also recently attempted to carry out terrorist attacks in Marsabit County intended to strike both Kenyan and Ethiopian government targets.[152]

The evidence presented here suggests that Al Shabaab is positioning itself to continue to launch terrorist attacks regardless of whether the Kenyan military withdraws from Somalia and is committed to a strategy of provoking sectarian violence in Kenya. If true, this will guarantee a prolonged period of instability in northern Kenya, securitised government policies toward the local population, communal tensions that may drive away badly needed non-Muslim professionals and heightened risk to LAPSSET and oil extraction infrastructure and personnel.

2. **Ethiopian government and insurgency-related violence in Kenya**. Northern Kenya has suffered episodes of insecurity and political violence linked to cross-border spillover of armed struggles in Ethiopia. This is linked to the fact that ethnic-based insurgencies opposing the Ethiopian government have a presence on both the Ethiopian and Kenya side of the border, allowing them to use Kenya as a safe haven and based for recruitment and fund-raising. One, the Oromo Liberation Front (OLF), is active in Boran-inhabited portions of Kenya, including Marsabit County.[153] The other, the Ogaden National Liberation Front (ONLF), is a Somali insurgency with strong support from the large Ogaden clan that resides in eastern Ethiopia, parts of southern Somalia and parts of northern Kenya (mainly Garissa County and southern portions of Wajir County). The ONLF does not directly base operations out of Kenya, but its supporters are able to reside in Kenya, fund-raise and do business there. Garissa town is in particular viewed as a hub of ONLF sympathisers, Ogaden refugees from Ethiopia and ONLF members.[154]

   The Ethiopian government has sought to neutralise this cross border threat in several ways, all of which produce armed violence inside Kenya. In several cases, Ethiopian security forces have crossed over the border in "hot pursuit" of the OLF, resulting in Kenyan casualties. More frequently, Ethiopian-backed clan paramilitaries composed of communal groups that are rivals of the Oromo are sent across the border to attack the OLF and Borana targets, in the process advancing both their interests and those of the Ethiopian government. Northern Kenyans frequently complain that the communal violence that takes place is the result of armed elements from inside Ethiopia. Operatives or local hit-men have also allegedly been contracted to engage in targeted assassinations and abductions. One of the most dramatic of these occurred in January 2014, when two members of an ONLF delegation engaged in low-level talks with Ethiopian government representatives in Nairobi were abducted and handed over to Ethiopia. Subsequently two Kenyan policemen were arrested and charged with aiding in the abductions.[155]

   The OLF has also been accused of engaging in attacks against rival communities inside Kenya.[156]

   The spillover of Ethiopian government and insurgency violence into northern Kenya is especially dangerous when clan or tribal paramilitaries are used as tools of government security objectives, as they run a high risk of inflaming wider communal violence in northern Kenya.

3.3.5 DISPLACEMENT

Past armed violence in northern Kenya often produced temporary population displacement, but generally on a small scale. The armed clashes in Mandera and Wajir counties in 2014 have, according to a UN humanitarian report, resulted in the temporary displacement of 125,000 persons in Mandera and another 85,000 in Wajir.[157]

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[152] Abdi A and Golicha L, "Fresh Terror Alert Issued in Moyale," *The Standard* (6 December 2014) http://www.standardmedia.co.ke/thecounties/article/2000143793/fresh-terror-alert-issued-in-moyale. The three arrested Al-Shabaab suspects included one Somali Kenyan and two Kenyan converts to Islam from Central Kenya. Al Shabaab has increasingly relied on non-Somali operatives, mainly recent converts, to avoid attention and reduce suspicion.

[153] The Boran or Borana Oromo are a subset of the Oromo nation. See Appendix, Marsabit case study, for details on the OLF presence in Marsabit County.

[154] Author's field interviews, Garissa, July 2011.

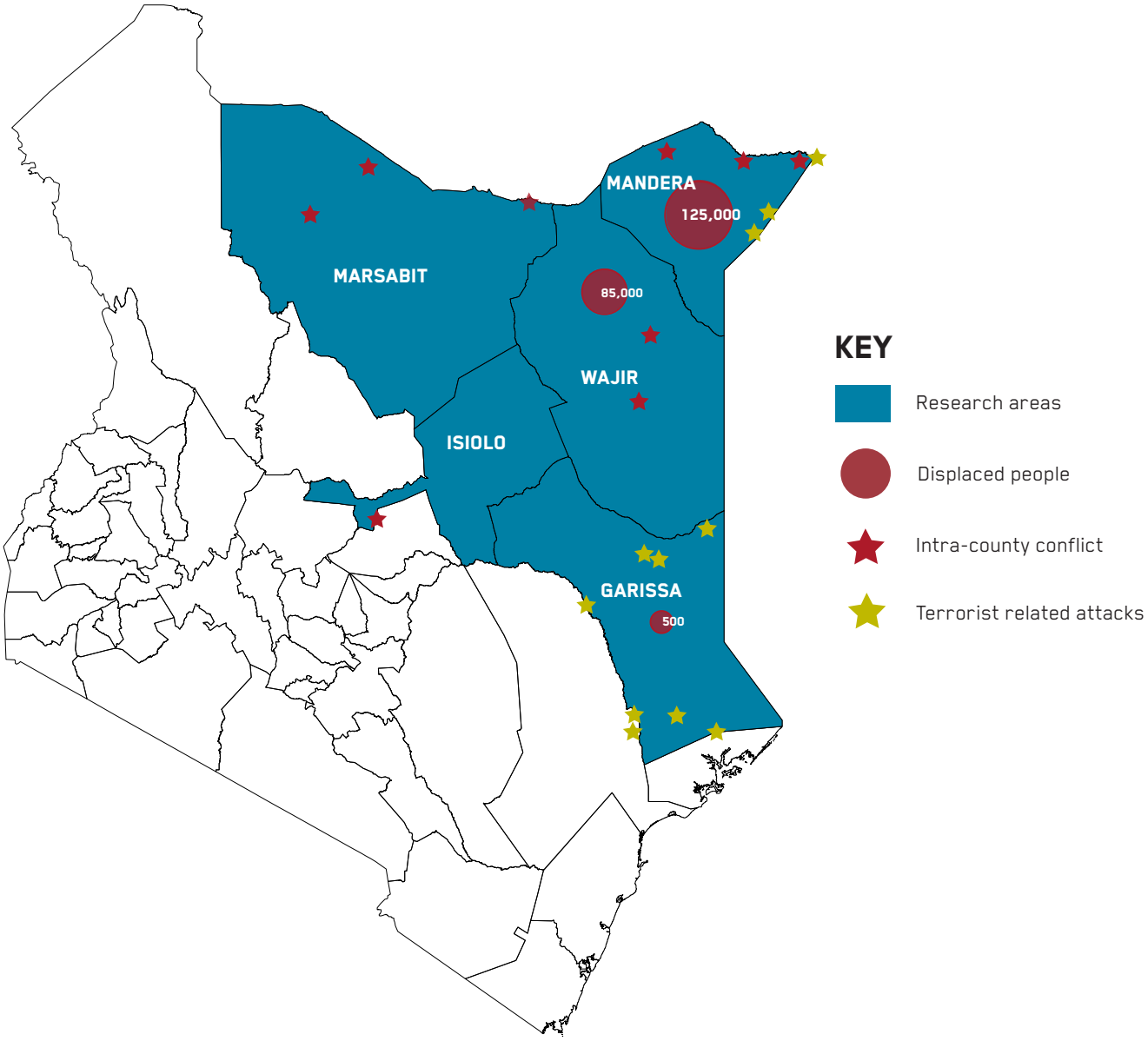
[155] Hagmann T, "Talking Peace in the Ogaden" (Nairobi: Rift Valley Institute, 2014), pp64-65.

[156] Runo F, "Ethiopian Insurgents OLF Not Part of Moyale Killings, Locals Claim," *The Standard* (17 December 2013) http://www.standardmedia.co.ke/thecounties/article/2000100273/olf-not-part-of-moyale-killings-lobby-claims.

[157] OCHA "Kenya: Inter-communal violence by county" (2014). These figures are high compared to other sources, and may inflate the scale of the

Some of these have since been able to return home, but most have not. This represents a significant portion of the total population of the two counties and if left unresolved it will constitute a serious episode of ethnic cleansing between the two Somali clans in conflict. That, in turn, will yield abiding grievances on both sides over lost property, livelihoods and homes and will render the two counties susceptible to new rounds of violence.

Unlike the other "new drivers" identified in this section, the massive internally displaced persons (IDP) crisis now in play in northern Kenya is both a cause and a result of conflict and it has the potential to form part of a cycle of violence that could prove difficult to arrest.



Intra-county disputed and terrorist realted attacks

3.4 TRIGGERS

Most of the factors that have been responsible for triggering violent conflict in northern Kenya are "precipitating causes" well documented in the general conflict literature and common to many other conflict-vulnerable areas. As such they do not require extensive explanation here. The most significant are listed below, as are those that

displacement somewhat.

appear to play a distinct or unusual role in northern Kenya.

3.4.1 DROUGHT

In the semi-arid north of Kenya, prolonged droughts prompt desperate pastoralists to move herds to areas known for perennial water sources and dryland pasture, even if that entails encroaching on another clans' territory. If access cannot or will not be negotiated, armed conflict predictably ensues. In northern Kenya, the most common pattern of drought-induced conflict occurs near rivers, namely along the Tana River and the seasonal Ewasao Nyiro River that runs through Isiolo and forms a boundary between portions of Wajir and Garissa counties. Isiolo was especially hard hit by drought-induced pastoral clashes in 2008-10 (see Appendix, Isiolo case study).

3.4.2 UNRESOLVED CRIMINAL ACTS

When traditional elders fail to employ customary law quickly and adequately in response to a serious crime – and there are multiple reasons this can occur – the result is often revenge attacks that can spiral into communal violence that, in worst case scenarios, last for years and can resemble low intensity war. In a 2007 survey, northern Kenyan residents ranked "revenge" as the top cause of conflict, with 88% of respondents naming it as a conflict driver (firearms were second at 80%).[158] The Garre-Degodia conflict in Mandera was triggered by the murder of two secondary school students in May 2013.[159]

3.4.3 ELECTIONS

It is now a well-established finding that in conflict-vulnerable countries, especially those post-conflict settings featuring low inter-communal trust and weak institutionalisation of the political "rules of the game", elections are a potential trigger of violence.[160] The World Bank *Word Development Report 2011* reflects the more cautionary mood on elections that is prevalent at this point in time. It privileges a gradualist, "sequencing" logic that establishes key preconditions that must be met before elections can be held safely, including the building of legitimate institutions, a task which the World Bank acknowledges can take a generation or longer.[161] It argues that both multi-party elections in general and decentralisation in particular can be conflict-producing if trust and "rules of the game" are not established. On elections, it concludes that "leaders lacking trust in 'winner-take-all' scenarios may manipulate outcomes and protests, which can trigger serious violence—as in Iraq in 2005 and Kenya in 2007."[162]

The paradox that all observers acknowledge is that communities in conflict-vulnerable settings simultaneously desire democratic voice but fear elections.[163] Likewise, research demonstrates that democratic governance correlates with peaceful, stable systems, but that in post-conflict and transitional settings, elections can be a trigger of armed conflict.[164]

Like other Kenyans, citizens of northern Kenya cannot help but be influenced by the experience of the very dangerous post-electoral violence that shook parts of Kenya in 2007-08. Electoral violence in Northern Kenya was very low in 2008, one of the lowest in all of Kenya, with the exception of Mandera.[165] A variety of factors have fuelled a local perception that elections are "winner takes all" contests, raising fears across the region that the next round of elections (currently slated for August 2017) will involve much more politically-engineered communal violence. Elections are especially a potential trigger of armed violence in locations where elite pacts over allocation of key seats of power (including both county government and parliamentary seats) have not been brokered in advance.

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158 Afrobarometer (circa 2009). The original survey document from Afrobarometer cannot be located on the group's website, but the survey results are on file with the author.

159 National Cohesion and Integration Commission, "Report of the Rapid Community Peace and Reconciliation Dialogues in Mandera County," Draft report, (June 2013).

160 Concern about elections as triggers of violence has generated a vibrant debate over "sequencing" institutionalisation and elections, and over whether international actors have in some cases pushed for elections too quickly. Both the Iraq and Afghanistan cases loom large. See for instance Thomas Carothers, "The Sequencing Fallacy," *Journal of Democracy* 18, 1 (2007), pp12-27; and Mansfield E and Snyder J, "Democratisation and the Danger of War," *International Security* 20 (2005), pp5-38.

161 World Bank (2011), pp109, 164.

162 Ibid p164.

163 In Kenya, this split sentiment of desire for democracy and fear of electoral violence is acute. See Afrobarometer, "Kenyans Committed to Electoral Peace, Fearful of Election Violence," Press release (22 March 2013) http://www.afrobarometer.org/files/documents/press_release/ken_r5_pr2.pdf.

164 Ibid pp164-66.

165 Armed Conflict Location and Event Dataset, "Country Report: Kenya" (December 2013), p5.

3.4.4 POLITICALLY ORCHESTRATED CLASHES

One of the most common complaints in Kenya and one that was validated by investigations into the country's 2008 electoral violence, is that communal violence is often triggered by decisions made by political elites who seek to advance their interests through communal clashes.[166] In northern Kenya this allegation has been repeatedly levelled in the press and by local observers against both elected and unelected leaders, some local, some living in Nairobi or even overseas in the diaspora. The phenomenon of elite orchestration of communal violence is referred to as "war by remote control" among Somali Kenyans.[167] These and other observers report that political leaders from northern Kenyan communities are increasingly relying on their own private security forces, mirroring wider use of private political forces in Kenya (see Actor analysis below).[168]

To the extent that communal violence is planned and ordered by violence entrepreneurs, it demands close analytic attention to the calculations of political and private sector elites, and a range of other potential spoilers. This includes leaders of Al Shabaab and Al Hijra who order terrorist attacks in northern Kenya counties. The "remote control" decisions of distant elites are some of the most consequential triggers of conflict in the region.

3.4.5 EMPLOYMENT AND CONTRACT DISPUTES

The jobs and contracts that LAPSSET brings into parts of northern Kenya will inevitably produce disputes that have the potential to turn violent and draw local communal groups into confrontation. Each major contract allocation has the potential to trigger protests and even use of violence.

3.4.6 NEW SETTLEMENTS AND BOREHOLES

Communal disputes over contested pastoral land have turned violent when clans establish small settlements or boreholes that are then used to mark the territory as their own. One example of this is the long-running dispute between Makabul and Aulihan Somali clans over valuable seasonal riverine land in the Wajir-Garissa border. Three settlements were established in the disputed area, as well as a borehole, by both clans, resulting in armed clashes and an arms build-up.[169]

3.4.7 ROADS

Another way that clans, constituencies and counties demarcate disputed territory and settlements as their own with a "fact on the ground" is the construction of a track road to the site in question. A feeder road from a county capital to a disputed pastoral area is seen locally as a powerful claim on the real estate and is viewed as an inflammatory move by the other claimant to the land. A road built to a disputed settlement in part triggered the bloody intra-clan violence of 2014 between Garre and Dabarre in the Mandera-Wajir border area.[170]

3.5 ACTORS

Befitting the complexity of the region's politics, a large number of local, national and external actors play a role in shaping peace and conflict in northern Kenya. But a relatively small number of actors are most responsible for mobilising armed violence in pursuit of their own parochial interests. In some cases actors complicit in fomenting violence are individuals formally placed in positions that are responsible for advancing peace.

But only one actor – Al Shabaab– can be described as a "total spoiler" in the region at this time. Other actors and categories of actors are capable of advancing the cause of peace or of aiding and inciting violence, depending on circumstances and calculation of their interests. This actor inventory thus avoids labelling actors in a "saints and sinners" dichotomy as either peace-builders or sources of conflict. Instead, it highlights actor interests, influence and their general dispositions toward peace and conflict.[171]

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166 Ndung'u and Wepundi (2012), p6.

167 This expression has been used by local observers for over a decade. See Menkhaus (2005), p35.

168 Armed Conflict Location and Event Dataset, "Country Report: Kenya" (December 2013), p2.

169 Ongari B, "Boundary Dispute Tears Wajir Clans Apart," *The Standard* (30 August 2012).

170 Interview, Isiolo, June 2014.

171 This follows standard conflict analysis practice for actor inventories. See for instance Saferworld, "Conflict Analysis," ch 2 in "Conflict Sensitive Approaches to Development, Humanitarian Assistance and Peace-building: Tools for Peace and Conflict Impact Assessment," (2004), p4; UN Peacebuilding Support Office, "Conflict Analysis for UN Peacebuilding Fund Support" (September 2013), p2 http://www.unpbf.org/wp-content/uploads/PBF-Note-on-conflict-analysis-FINAL.pdf; and UN, "Inter-agency Framework for Conflict Analysis in Transition Situations," (2004) pp6-8.

One feature worth emphasising in this actor inventory is that local figures can and often do wear multiple hats, serving simultaneously as an elder, a businessperson, a professional and/or a political leader. The categories of actors discussed below should not be treated as mutually exclusive.

This inventory highlights state, non-state and external actors playing the most substantial roles in peace and conflict in northern Kenya. It is not meant to be an exhaustive inventory.

3.5.1 GOVERNMENT ACTORS

In the past two decades, Kenyan government officials have routinely been accused either of inaction in the face of armed violence in northern Kenya or, in some cases, of complicity.[172] There has been some truth in both claims. But since the late 1990s, the role of government officials has become more varied. In the years before devolution, some district commissioners and provincial governors proved to be invaluable partners with local peace committees and they deserve some credit for the impressive period of stability across most of the region from the late 1990s to 2010. Other government actors have done less to burnish their credentials as peace-builders in northern Kenya. The police, for instance, continue to have a very poor reputation,[173] and some MPs and county governors have been accused of fomenting communal violence.

County Commissioner. At present, the "dual executive" model of government that is emerging in Kenya's new, devolved county system of governance pairs a locally elected governor with a government appointed county commissioner. The precise division of labour and power between the two remains a matter of deep contestation and legal action in the courts in Kenya. Governors claim presidential appointment of commissioners to counties is unconstitutional and argue that nowhere in the constitution is a role assigned to these appointed county commissioners.[174] The role, legality and constitutionality of the county commissioner position remain a matter of legal and political debate in Kenya. Meanwhile, however, the commissioners have assumed important roles primarily in co-ordinating police and security forces, co-ordinating national government functions and delivery of services and facilitating conflict management and peace-building.[175]

Across northern Kenya, the county commissioner has assumed a lead role in peace-building efforts, co-ordinating peace committees, convening councils of elders and grazing committees and deploying police when communal violence occurs. Because the commissioner is appointed and external to the county, he or she is generally better placed to remain neutral in local clashes, unlike the governor, who, by dint of being a member of one of the local ethnic communities, faces greater difficulty convincing local citizens of his or her impartiality. To date, the commissioners have played a critical role as organisers and supporters of the work of local peace committees. The emerging relationship between local peace committees and centrally appointed commissioners is an interesting example of a hybrid partnership involving grass-roots leaders and central government authorities collaborating on matters of conflict management.

The principal challenge to effective peacebuilding roles by commissioners is their contentious relationship with elected governors, who view commissioners as usurping powers that should be accorded to them. The governor-commissioner relationship varies by location and is a critical variable in the ability of government to play an effective role in conflict management.

The role of commissioners may be dramatically altered with the passage of new security laws (discussed below, see "Security Sector").

County Governors. As noted above, the principal challenge facing governors in the role of peacebuilder is that he or she is an elected official representing a constituency typically composed of an ethnic voting bloc. In any communal conflict involving that ethnic group, the governor's neutrality is thus questioned. Since the first post-devolution elections brought locally elected governors to power in 2013, several have been accused of partisan politics in response to local conflicts and in one case – the Marsabit Governor Ukar Yattani – accusations have been levelled that he presided over planned communal violence, a charge he had denied but which led to central government mediation.[176]

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172 Ndung'u and Wepundi (2012), p6.

173 Public opinion surveys rank the police dead last in public confidence among a list of government institutions. In one recent survey, 67% of respondents reported trusting the police "not at all/just a little" See Afrobarometer (2012), slide 29.

174 East Africa Center for law and Justice, "The Role of the County Commissioners under the Devolved Government," (19 June 2013) http://eaclj.org/constitution/20-constitution-feature-articles/139-role-of-the-county-commissioners-under-the-devolved-government.html

175 Ibid.

176 Jemimah Wangui, "Marsabit Leaders to be Fined for Conflict," *Capital FM News* (6 Feb 2014); and Otiato Guguyu, "Governor Blamed for Marsabit Violence," *Daily Nation* (Nov 13 2013).

This dynamic suggests that governors who are genuinely committed to peace-building will face some built-in political impediments to playing that role. But that does not imply that they cannot or should not be leading actors in promoting peace. Instead, it points to the fact that governors will need to devote more time to confidence-building measures across communal lines a pre-condition for playing a peacebuilding role and that they may need to select roles that are least likely to arouse suspicion that they are advancing the interests of one side or another. They are, for instance, more likely to be successful playing a convening role and proposing policies that can alleviate tensions but less likely to be trusted as a mediator if one party to the dispute is their communal group.

Members of Parliament (MPs). MPs in the Kenyan system are elected by a geographically based constituency within a county. In theory, their primary obligation is to represent the interests of the residents of that constituency. In practice they are more likely to advance the interests of the communal group to which they belong and which voted them into office. MPs also have variable commitments to advancing the interests of the county as a whole, to the political party to which they belong and to the national coalition (such as Jubilee or CORD) with which they aligned in 2013. The coalition affiliation has, at least in the Somali-inhabited counties of northern Kenya, been a collective decision made by clans or sub-clans, resulting in some revealing patterns. All six of the MPs from Mandera County aligned with the (victorious) Jubilee coalition in 2013, reflecting complex negotiations and group calculations on the part of the Garre clan. Five of the six MPs in neighbouring Wajir aligned with the CORD coalition, reflecting a group calculation by the Degodia clan that was based both on links to Raila Odinga's ODM wing of the pre-2013 coalition government and a reluctance to join a coalition of which the rival Garre clan is a member. In Garissa, the six MPs are evenly split between the two coalitions, reflecting in part on-going tensions and clashes between two Ogaden sub-clans, the Aulihan and Abudwak. The fact that MPs from different parties but the same clan all align in the same national coalition is a revealing indicator of the extent to which communal groups' collective decision-making drives democratic politics in northern Kenya. It also means that communal groups that chose to join the winning coalition (in this case, Jubilee) are in a better position to harness the power of the central government to advance their own interests, while those who aligned with losing coalitions are less likely to view national political institutions and officials as neutral players in conflict mediation. At present, this dynamic is of particular importance in Marsabit County and in the current Garre-Degodia tensions.

Finally, MPs can and do calculate their own personal political ambitions, including and especially the desire to retain their position as members of parliament, a prized political perch in Kenya.[177] The role individual MPs play in either promoting peace or fomenting violence in their county is largely determined by how they weigh these competing interests. At times, they can place their own parochial interests above those of their own constituencies, especially when they provoke communal violence as a tactic.

Whereas the county system and its elected officials are new since 2013, parliamentary elections have been in place in Kenya for decades, which provides a longer track record by which to judge the role MPs play in peace and conflict in their home areas. That record is mixed. Some MPs in the north have played active roles in mediating conflicts both locally and even in the wider Horn of Africa.[178] Others have been accused of using private militias to attack the communities of rival candidates during election seasons.

As a group, MPs have low legitimacy among the public, a factor that can work against their playing an effective role in preventing to mitigating conflict. National surveys consistently find that MPs rank among the lowest of all government actors. A 2013 Synovate poll found that only 17% of Kenyans had "a lot of confidence" in MPs. Only the Director of Public Prosecutions (16%), the police (14%) and political parties (14%) fared worse.[179]

Security sector forces. Northern Kenya's population has a long and generally unhappy relationship with the Kenyan security sector – whether in the form of the police, military, National Intelligence Service (NIS), or General Service Unit (GSU). Decades of emergency rule from the 1960s to 1992, which entailed routine abuse of the local population and which included several massacres in the 1980s, have left a deep distrust of national security forces.[180] Police stationed in northern Kenya have a reputation for demanding bribes even of crime victims and are avoided rather than engaged on matters of public security. Since 2001, counter-terrorism operations have led to greater militarisation of northern Kenya and resentment among local populations. The ascent of Al Shabaab's

[177] In addition to other benefits that can accrue to a Member of Parliament, Kenya's MPs are among the highest paid legislators in the world, earning annual salaries of about US$75,000 plus a host of very generous allowances and other perks. David Herbling, "Kenyan Legislators Emerge Second in Global Pay Ranking," Business Daily (23 July 2013) http://www.businessdailyafrica.com/Kenya-MPs-come-second-in-global-salary-ranking-/-/539546/1924534/-/24knfiz/-/index.html.

[178] Somali Kenyan elected officials have played a role as facilitators in Ethiopian-ONLF talks; See Hagmann (2014) pp57-65.

[179] Ipsos-Synovate (2013) p42.

[180] Human Rights Watch, "Bring the Gun Or You'll Die: Torture, Rape, and Other Serious Human Rights Violations by Kenyan Security Forces in the Mandera Triangle," (New York: HRW, 2009).

network in northern Kenya has subjected the population to unwanted levels of scrutiny from Kenyan security forces and the post-Westgate security operation, "Operation Usalama Watch," which was widely criticised for ethnic profiling and harsh treatment of Somalis, set relations back between northern Kenyan residents and the Kenyan security sector still further.[181]

Despite this mixed record, local populations often call for a more robust and effective government security sector presence during periods of communal violence, reflecting a hope and expectation that the security sector will become a key part of long-term security for the region.

Newly passed security laws in Kenya (Security Laws (Amendment) Act, 2014) will give the police, GIS and prosecutors much greater powers to engage in surveillance, detention, arrest and seisure of property without a warrant. It also includes new laws that could sharply curtail rights of speech, assembly and the press, and widen the definition of support to or engagement in terrorist activities.[182] Critics have expressed alarm that the sweeping language of the law risks rendering the country "a police state."[183] Given the fact that northern Kenya is now the epicentre of Kenyan counter-terrorism concerns, this legislation will have a disproportionate impact in the counties under study here, especially the four with substantial Somali populations. The laws will dramatically increase the power and role of Kenya's security forces in northern Kenya, potentially overshadowing other political actors. It will also throw into question the role and "good offices" of the county commissioners on matters of peace and security issues, as they possess authority over all of the security agencies and will be blamed by local populations for any excesses committed by the security sector. Overly aggressive application of the laws by empowered security sector agencies will further strain relations between the northern Kenyan population and the state and would return northern Kenya to a situation analogous to the decades of emergency rule in Northeast Province from 1993 to 1992. This would play into Al Shabaab's hands and run the risk of blowback in the region. The evolving role of Kenya's security sector will play a decisive role in the region's peace and conflict trajectory and will require close monitoring.

3.5.2 NON-STATE ACTORS

The relative weakness of the state in northern Kenya has meant that non-state actors have played an outsized role in matters of peace and conflict, both for better and for worse. This forms part of a wider pattern of "governance without government" prevalent across much of the eastern Horn.[184]

Traditional elders. Traditional elders in northern Kenya play a central and complex role in peace and conflict. That role is also changing due to new political challenges.

All communal groups in northern Kenya have traditional elders whose roles include negotiating application of customary law – an important source of conflict management and resolution. But elders are also critical actors in mobilising their lineage for armed conflict. Whether elders promote peace or foment war depends on a combination of factors, including the interests of their lineage, their level of integrity or venality and wider political pressures placed on them.

Elders' principal role is as representatives of their community. They are first and foremost negotiators on behalf of their lineage. Skilled elders are effective in finding compromises that allow for negotiated settlements of crimes or armed clashes. Very respected elders are sometimes asked to serve as mediators in conflicts involving other tribes or clans. Elders may also negotiate new agreements governing customary law with another communal group, which can form an important part of management of new conflict drivers and a form of conflict prevention by deterrence (if the sanctions against offenders are sufficiently high).

Elders are also critical players when communal groups mobilise for armed conflict. They call on their tribe or clan for militias, raise funds and often collude with political figures from their lineage to plan and execute armed clashes. Political elites seeking to employ violence to advance their political interests usually partner with elders to accomplish this.

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181 Amnesty International, "Somalis Are Scapegoats in Kenya's Counter-Terrorism Crackdown," (27 May 2014) http://www.amnesty.org/en/library/asset/AFR52/003/2014/en/e9a7c01f-1138-4150-9cd7-4baebb3285c9/afr520032014en.pdf.

182 "The Security Laws (Amendment) Bill, 2014" submitted to the National Assembly December 2014; Billow Kerrow, "Why We Must Abandon Proposed Security Laws," *The Standard* (14 December 2014) http://www.standardmedia.co.ke/mobile/?articleID=2000144706&story_title=why-we-must-abandon-proposed-security-laws&pageNo=1.

183 "HRW Slams New Kenya's Security Laws," *IOL News* (14 December 2014) http://www.iol.co.za/news/africa/hrw-slams-new-kenya-security-laws-1.1795370#.VI3iCmt0zIV.

184 Menkhaus K, "Governance without Government in Somalia: Spoilers, State-Building, and the Politics of Coping," *International Security* 31, 3 (Winter 2006/07), pp74-106.

Elders play an important role in formal politics as well. As noted earlier, clan and tribal elders in northern Kenya have also been key negotiators in ethnic bloc voting in elections and they instruct their lineage how to vote. Elders also solicit the government with requests for their constituency. In recent years, Kenyan local government has sought to formalise the role of elders in peace-making and conflict management through the formation of peace committees and grazing committees.

The legitimacy of clan and tribal elders in northern Kenya is generally high. This is due to several factors. First, elders are generally viewed as the most effective representative of a community. Second, elders in most of the ethnic groups in northern Kenya earn their status through proven leadership and in some cases are formally selected by their lineage rather than via hereditary positions.[185] Incompetent or irresponsible elders can be replaced in many communities. Third, elders in northern Kenya deliberate in large, consensus-based and open assemblies, so that their process of decision-making is valued. Fourth, elders are viewed as guardians of customary law, which is the main source of informal rule of law in areas where the state institutions are either absent or not trusted.

The authority of elders in the region has been eroded in recent decades, leading some analysts to question the effectiveness of elders in peacebuilding.[186] Elders frequently make this observation themselves. They point to a variety of factors, including the rise of powerful armed spoilers over which they have little control; a younger generation that does not respect their authority; and new conflict issues and dynamics that they and customary law, are poorly equipped to handle. This problem has been partially offset by the growing trend toward hybrid governance arrangements in which elders form part of wider civic networks to manage increasingly complex problems.

Clerics. Perhaps no other category of actors in northern Kenya enjoys the level of moral authority and trust than Muslim and Christian clerics. Most do not engage in matters of peace and conflict, but those who do enjoy a powerful voice. Sermons delivered in the mosque or church can have a direct impact on subsequent security conditions. Religious denominations and councils can have a significant impact on policy debates in Nairobi.

The portions of northern Kenya that are almost exclusively Muslim are concentrated in Somali inhabited lands and, among Somalis, religious leaders have long had a role as peacemakers mediating inter-clan disputes. Some lineages such as the Asharaf and Sheikal specialised in producing clerics and were also seen as useful arbitrators of other clans' disputes.[187] Part of the reason for the success of the Wajir peace and development committee established in the mid-1990s was the active role of local sheikhs.[188]

Islamic leadership in northern Kenya today is in the grips of major changes, thanks to the arrival of well-funded Islamic missionary movements and charities which are propagating salafi interpretations of Islam and the purification of Sufi practices, and because of the rapid emergence of Al Shabaab and its jihadi activities. Muslim clerics in northern Kenya today are squeezed between pressures from the state to demonstrate they are not indirectly supporting radical elements and demands from their congregations to speak out against state abuse.[189] Pressures on Muslims clerics and teachers in the region are likely to intensify if the new, broadly worded security laws are passed in full. They include, under the "facilitation of terrorism" (Article 72, Section 9a), a section criminalising "a person who advocates, glorifies, advises, incites, or facilitates" terrorism, the conviction for which carries up to 20 years in prison.[190]

The most immediate issue linked to religious leaders and peace in the region is the spike in Al Shabaab attacks targeting non-Muslims, a tactic that appears to be designed to provide wider sectarian tensions and violence. Three of the counties under investigation – Isiolo, Marsabit and Garissa – feature a significant mix of Christian and Muslim communities, at least in major towns. Of the three, Isiolo has by far the most active inter-faith council, which is committed to maintaining good relations in Isiolo's diverse population. By contract, Garissa town has struggled the most with religious polarisation and tensions, reflected in a series of bomb attacks and shootings of church services.

The region has seen cases of militant and intolerant Christian and Muslim clerics – including foreign missionaries

[185] This and other aspects of the role of elders varies by group.

[186] Adan WK, "The Role of Traditional Clan Elders in Conflict Resolution Among the Borana of Marsabit District, Kenya," (Nairobi: University of Nairobi Digital Repository, 2010) http://erepository.uonbi.ac.ke/handle/11295/4088.

[187] I.M. Lewis, Saints and Somalis: Popular Islam in a Clan Based Society (Lawrenceville NJ: Red Sea Press, 1998), pp17-18.

[188] Menkhaus (2008).

[189] See for instance the statement by the Supreme Council of Kenyan Muslims (SUPKEM) on government curfews on Lamu, "Muslim Leaders Want Curfew Lifted in Lamu," http://erepository.uonbi.ac.ke/handle/11295/4088

[190] "The Security Laws (Amendment) Bill, 2014."

– preaching against other faith groups, but this is not occurring at levels associated with the Coast and parts of upcountry Kenya. The region has also not yet seen the kind of extra-judiciary killings of Muslim clerics that has become a major crisis along the coast.

Political militias. "Militia ggroups," notes a 2013 ACLED report, "including private armies and localised militant groups, have the highest absolute and proportional rates of violence against civilians in Kenya."[191] These armed civil groups, the most notorious of which is the Mungiki, range in type and objective from small slum-based gangs to protection rackets to well-organised paramilitaries. Private political security forces have been reported in northern Kenya since the first competitive multi-party elections in the early 1990s, with concerns voiced that their stated purpose – protection for political candidates – disguised a hidden objective of attacking the constituents of political rivals. The use of political or civil militias in northern Kenya has grown since then and is widely blamed for some of the communal violence that has hit portions of the region.[192] They include both personal private forces answering to elected officials and ad hoc communal militias mobilised as needed. A recent assessment concluded that "there is a genuine prospect of increased use of gangs and militias by politicians seeking to secure positions and resources."[193]

Political militias act on orders of political elites for whom they work, so their role in fomenting violence is best monitored by tracing the interests of the elites themselves. But the existence of these militia groups exist increases the temptation to use them and so renders the region more vulnerable to armed conflict. The impact that the new security laws will have on these private militias will warrant close monitoring.

Businesspeople. Northern Northern Kenya has seen an impressive rise in commerce and other business opportunities, producing an expanded business community with a strong but variable stake in peace and conflict. Most business in northern Kenya is linked to cross-border trade (often but not always smuggling) to and from neighbouring Somalia and Ethiopia. The region's two biggest trade hubs are Garissa and Mandera, but dozens of smaller locations are part of the regional trade network. Dabaab refugee camps play a role as a large and lucrative market for goods and service, though the main market served is Nairobi. Livestock heading to market crosses the border in both directions (camels mainly exported out of Kenya into Ethiopia and Somalia, goats and cattle into Kenya); consumer goods are mainly exported into Kenya from Somalia; and qat is exported from Kenya to Somalia. Other goods, such as small arms, are an illegal part of this trade network and move in whatever direction the market dictates – invariably toward wherever tensions or active fighting are highest. In addition, service industries – from remittances to telecommunications – have fixed investments across the region.

Most northern Kenyan businesses have a strong stake in basic peace and security and so they have been active supporters of local peace committees. Businesses in northern Kenya are often reliant on cross-communal trust networks and partnerships, which form an excellent line of communication to manage conflicts. Clashes, like the recent Garre-Degodia violence in Mandera and Wajir and violent extremist attacks by Al Shabaab in Garissa town have been bad for local business. Unlike south Somalia, where a political economy has arisen that features powerful economic actors with a vested interest in perpetuating lawlessness and insecurity, northern Kenya's economy features nothing akin to a war economy.

That said, business interests in northern Kenya can and sometimes do support or even provoke armed conflict. Because businesspeople are reliant on their clans for security, they cannot easily refuse to provide financial support for armed clashes when approached by clan elders. Business interests can sometimes incite their clans to violence as part of an effort to drive a rival businessperson out of town or lay claim to an important trade route. The destructive war between Barre and Marehan clans over the border town of El Waq in 2004, for instance, had much to do with competing business interest in solidifying control over cross-border trade in that area.[194]

Diaspora. As with the other categories of actors noted here, the diaspora can and does play a role both in promoting peace and development as well as in armed conflict. The Kenya diaspora is not nearly as large as the diasporas from Somalia and Ethiopia – it numbers about a quarter of a million worldwide, remitting about US$100 million per year to Kenya[195] – and only relatively small numbers of Somali Kenyans are believed to live

[191] Armed Conflict Location and Event Dataset, "Country Report: Kenya" (December 2013), p2.

[192] Interviews, Nairobi and Isiolo, June 2014.

[193] Ndung'u and Wepondi (2012), p10.

[194] Menkhaus (2005), p32.

[195] OECD, "Connecting with Emigrants: A Global Profile of Diasporas. Kenya Country Note" http://www.keepeek.com/Digital-Asset-Management/oecd/social-issues-migration-health/connecting-with-emigrants/key-statistics-on-diaspora-from-kenya_9789264177949-graph161-en#page1; and Kenya Institute for Public Policy Research and Analysis, "Kenya Economic Report 2013" (Nairobi: KIPPRA), p. 6. http://www.kippra.org/downloads/Kenya%20Economic%20Report%202013.pdf

overseas.[196] But those diaspora include individuals from Ethiopia or Somalia who share communal identities with northern Kenyans; they can and do get involved in politics across the national borders of the Horn of Africa.[197]

One of the most consequential roles the diaspora plays on matters of peace and conflict in northern Kenya is as custodians of much of the media, especially web-based news and commentary sites. Most of these sites are devoted to advancing the narratives and interests of particular communal groups and, as such, tend to reinforce grievance narratives and disseminate polarising, inflammatory messages.

The northern Kenya diaspora is increasingly struggling to maintain standing in their own communities due to tensions over returning diaspora appropriating many of the most desirable professional jobs in new county governments.[198]

Civil society peace groups. Civil society networks and organisations are robust in northern Kenya, as they are throughout Kenya. Wajir district is the birthplace of the civic peace movement that was later replicated across much of Kenya as "Peace Committees". Women's groups have been particularly active in organising for peace in the region, forming partnerships with elders, professional groups and other civil society groups. This category of actor is an important source of resilience to conflict and so is treated in more detail in the section of this chapter on resilience (section 3.6).

3.5.3 EXTERNAL ACTORS

Kenya sits astride the border of Ethiopia and Somalia, borders which divide the territories into three sovereign states but which cut across ethnic groups, trade routes and seasonal pastoral migratory routes. The relative weakness of those borders, combined with the sometimes powerful security and economic interests regional actors have across state boundaries, means that cross-border spillover is a ubiquitous feature in the region. External actors have an outsized influence over matters of peace and security in northern Kenya.

Al Shabaab. The The Somali jihadi group has expanded its activities in northern Kenya in recent years, adding direct terrorist attacks on non-Muslim targets to its repertoire. Prior to 2012, Al Shabaab used northern Kenya mainly as a site of recruitment and transit. Its repeated, large-scale terrorist attacks in northern Kenya and the coast are a principal source of insecurity in the region today and appear designed to instigate sectarian tensions inside Kenya and provoke the government into counter-measures that will alienate the local population.[199]

Al Shabaab is no longer an exclusively "external actor" based in Somalia. It now has roots and networks in Kenya and has the potential to grow as a security threat in Kenya even as its fortunes fade in Somalia.[200] Though it purports to be engaging in violence targeting non-Muslim Kenyans in response to the Kenyan military occupation of southern Somalia, it now appears unlikely that a Kenyan military redeployment would halt the violence. Al Shabaab has since 2014 embraced other justifications for its attacks on non-Muslim Kenyans, including the claim – noted earlier in this report -- that they are repelling "occupiers of Muslim lands." This suggests that Al Shabaab is embracing a war designed to polarise and physically separate Muslim and Christian Kenyans.

At some point, it is conceivable that Al Shabaab could shift to a more accommodationist strategy and embrace the possibility of a negotiated settlement, but, for now, that possibility is remote. The group is best understood as a "total spoiler" in northern Kenya, and one that is growing in its reach and capacity there. This has very serious consequences for local peace-builders, especially those which engage with the state; for non-Muslim Kenyans working in northern Kenya, who will live under serious threat of attack (or who will relocate in large numbers, further depleting the region of scarce skilled labourers); and for development projects and oil exploration sites.

Oromo Liberation Front and Ogaden National Liberation Front. Two armed insurgencies opposing the Ethiopian government use parts of northern Kenya as a rear base. Neither is a serious threat to the state of Ethiopia at this point in time, but their presence in Kenya complicates local conflicts and invites Ethiopian proxy wars that play themselves out in Kenyan territory. Of the two, the OLF is far more active, operating in Boran-inhabited areas of northern Kenya, where it enjoys a certain level of sympathy and support. The ONLF do not maintain armed militias inside Kenya, but individual ONLF sympathisers and supporters from Ethiopia have fled

[196] Many Somali Kenyans are believed to have claimed to be Somali refugees in order to gain asylum in the West, but there are no reliable estimates of the numbers involved.

[197] The Somali Ogaden clan, for instance, has a presence in southern Somalia, northern Kenya, and eastern Ethiopia, and possesses a large politically active diaspora in the US and UK.

[198] DDG interview, Garissa, 2 September 2014.

[199] Menkhaus (2014).

[200] Crisis Group (2014).

to northern Kenya, especially Garissa, to seek safe haven from the heavy-handed counter-insurgency waged in eastern Ethiopia by the Somali Regional State's leader, Abdi Illey. A number of murders in Garissa have been attributed to a dirty war waged between ONLF supporters and individuals working on behalf of Abdi Illey or the central Ethiopian government (see the Garissa county case study, appendix).

Ethiopian government. The Ethiopian government views northern Kenya as a poorly governed territory in which a range of dangerous security threats to Ethiopia enjoy safe haven. These include the Oromo Liberation Front (OLF), the Ogaden National Liberation Front (ONLF) and Al Shabaab. As noted earlier, Ethiopia has responded to these threats with direct cross border security operations in "hot pursuit" of hostile groups; with support to third party clan paramilitaries that reside on both sides of the border; and periodically with kidnappings and assassinations of individuals deemed a threat to the Ethiopian state.

Ethiopia has a powerful interest in shaping security and political conditions inside Somalia along its long border areas, including in the Bulo Hawa area adjacent to Mandera. This has amounted to a de facto "buffer zone" policy for Ethiopia inside Somalia, one which some Kenyan authorities have expressed interest in emulating.[201] Ethiopian and Kenyan authorities have supported parallel local administrations in Bulo Hawa and, though allies, they have not always worked together effectively on matters of Somali politics, including in the Kismayo area. One enduring and managed tension has been the fact that the Ogaden clan, embodied in the Ras Kamboni militia that currently controls Kismayo, has been an ally of Kenya's inside southern Somalia, while Ethiopia harbour concerns that some elements among the Ogaden support the ONLF. In short, cross-border security issues are complicated by the fact that Ethiopia and Kenya may at times be working at cross-purposes even as they profess to be allies.

Finally, Ethiopia is taking a very different approach to its southern border with Kenya, including Marsabit County, then it is taking with its borders of Somali-inhabited zones, including Mandera and Wajir counties. While the Somali-inhabited borderlands are securitised, with a focus on limiting and controlling cross-border movement, the Ethiopian government is taking a developmentalist approach to its Kenyan border to the west, with a focus on open trade corridors and infrastructure linking southern Ethiopian to the LAPSSET grid.

Oil exploration firms. Oil firms that have secured concessions to explore for hydrocarbons in northern Kenya are not yet significant actors, but they soon will be. Whether they choose to or not, they will be drawn into local disputes over jobs and contracts, environment impact, land compensation, communal and county borders and other matters.

The region will be engaging with a large number of firms: Africa Oil Corp. (Block 9, Marsabit/Isiolo/Wajir); EAX. Afren (Block 1, Mandera/Wajir); Simba (Block 2a,Wajir/Isiolo); Lion Petroleum (Block 2b, Wajir/Garissa/Isiolo); Vanoil (Blocks 3a, 3b, Wajir/Garissa); A-Z Petroleum (Block L1a, Garissa/Tana River; A-Z Petroleum, Block L-3, Garissa); CAMAC Energy (Block L-1b, Garissa/Tana River); Imara (Block L-2, Tana River/Garissa/Lamu); and Zarara (Blocks L-4 and L-13, both in Lamu/Garissa.[202] The first generation of oil companies to explore in the Horn of Africa/East Africa – including Zhongyuan Petroleum Exploration Bureau (a subsidiary of Sinopec, on behalf of the Malaysian firm Petronas), Genel, Horn Petroleum, Range Resources and Tullow Oil – all demonstrated relatively weak local knowledge (at least initially) and were, as a consequence, embroiled in varying degrees of troubles, ranging from protests and security threats over jobs that resulted in temporary suspension of operations (Tullow in Turkana county, Genel in eastern Somaliland), in jihadi resistance (Range Resources in the Galgala Mountains of Puntland) and in a fatal armed assault by the ONLF that claimed the lives of over 70 workers (Zhongyuan, in eastern Ethiopia). It must not be assumed that oil companies are in every case engaging in close study of local political and conflict dynamics – some do a better job of this than others. Those that enter exploration uninformed about local politics are more likely to inadvertently trigger or become the targets of armed violence.

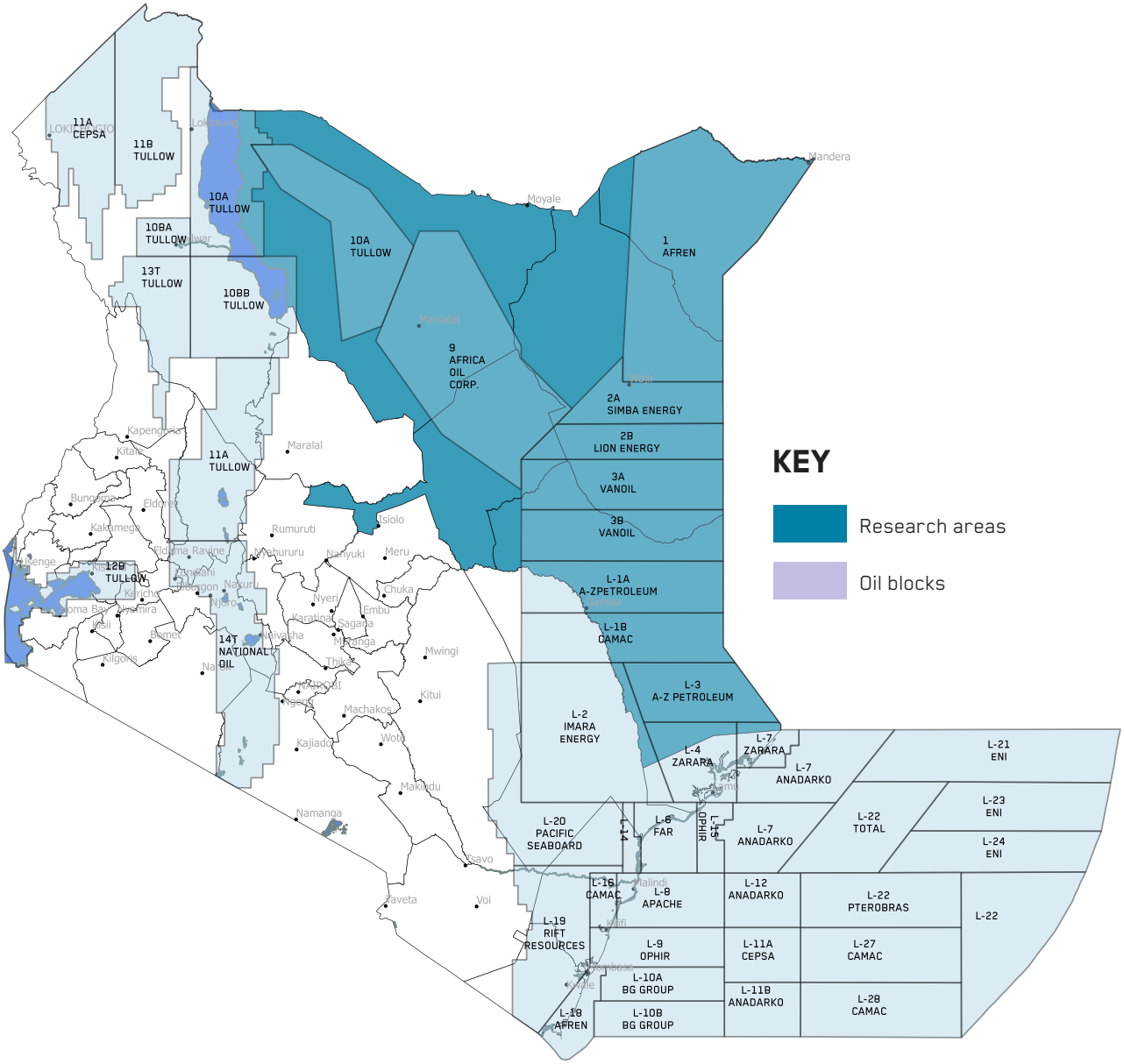
Oil firms' appetite for risk in an increasingly insecure environment in the north will also shape their choices and could delay oil exploration in some areas.[203] A sustained period of low global oil prices could also lead to delays in exploration, though to date that has not affected operations in Kenya. [204]

[201] Abiye Y, "Ethiopia Cautious About Establishing a Buffer Zone in Somalia," *The Reporter* (Addis Ababa) (6 December 2014) http://allafrica.com/stories/201412081019.html.

[202] "Kenya Maps Out Eight New Oil and Gas Explorations Blocks." *Energy-pedia News (*19 March 2013) http://www.energy-pedia.com/news/kenya/new-153909

[203] James Waithaka, "Kenya: Insecurity Killing Oil Investors' Appetite," *The Star* (28 July 2014) http://allafrica.com/stories/201407281895.html

[204] James Burgess, "Kenya Exploration Strong Despite Oil Price Slump," OilPrice (18 December 2014) http://oilprice.com/Finance/investing-and-trading-reports/Kenya-Exploration-Strong-Despite-Oil-Price-Slump.html



KEY

Research areas

Oil blocks

Oil exploration firms

3.6 SOURCES OF RESILIENCE

Despite the multiple conflict pressures mounting in northern Kenya, most counties kept conflict relatively contained from the late 1990s until about 2011. That period of relative tranquillity highlighted the robust network of actors committed to preventing, managing and containing armed conflict. The recent backsliding into insecurity, communal clashes, large-scale displacement and terrorism have put these sources of resilience under strain. A major question hovering over the region is whether its local capacities for peace will be able to cope with, or be overwhelmed by, new conflict drivers.

Peace committees. Across northern Kenya, local communities, sometimes in collaboration with government authorities, have formed peace committees, a combination of elders and influential community leaders who commit to negotiate across ethnic or county lines to end conflicts. Most peace committees in the region are broad umbrella movements that include a council of elders, circles of religious authorities and a number of local NGOs. They engage in direct mediation of disputes, as well as community policing, alternative justice, support to grazing committees and dialogue. They constitute the strongest mechanism for routinised dialogue and trust-building

among local leaders. Typically peacebuilding initiatives in northern Kenyan counties are a collection of loosely co-ordinated initiatives, often with different sources of external funding, which often duplicate one another's work and which require greater co-ordination. The capacity and legitimacy of peace committees can wax and wane over time. Some, like the Wajir Peace and Development Committee, enjoyed a period of extraordinary effectiveness from 1995 until 2014, when conflict forces temporarily overwhelmed them. Given the importance of individual personalities and networks in this line of work, minor changes in the composition can have a significat impact.

The committees maintain close and effective working relations with the county commissioner. As noted above, that working relationship may be put to the test if commissioners are tasked with implementing new security laws under consideration.

One issue that was raised in Isiolo and which previous research on local conflict management in northern Kenya also identified was the problem of communication.[205] Specifically, in areas where traditional authorities or peace committees are unable to communicate quickly via cell phone due to one or both parties being out of network, local capacity to manage communal clashes is weakened. Cell phone coverage is weak or non-existent outside of urban areas of northern Kenya.

Customary law and the Modogashe declaration. Local efforts to standardise use of customary or hybrid forms of justice to manage communal disputes have focused on harmonising the different forms of customary law across ethnic groups. In 2001, a meeting of government security committees and traditional authorities from Moyale, Marsabit, Isiolo, Wajir and Garissa was convened to devise more effective and routine means of managing frequent communal clashes. The result was an agreement known as the Modogashe Declaration, which sets out provisions to govern each type of communal conflict, including unauthorised grazing, rules for seeking permission to graze in others' pastures and compensation for loss of cattle or wrongful deaths. The Modogashe Declaration was specifically designed to help manage pastoral disputes in the Isiolo-Garissa border areas, but authorities aspired to extend it to the wider region.[206] In 2005 the declaration was reviewed in what came to be called the Garissa Declaration. More details of procedures for seeking access to pasture and handling of disputes were added to codify the new conflict prevention and management procedures and formal and informal authorities signed the agreement, which was geographically expanded to include other areas of northern Kenya, including Mandera district.[207]

The Modogashe and Garissa Declarations have improved inter-communal capacities to manage conflict in Isiolo and elsewhere, but they have also run into difficulties. One obvious problem is that it constitutes a parallel justice system that, in some important respects, contravenes formal state law. The Kenyan government has sought to reconcile formal and customary justice systems through a national steering committee and other forums. A more operational obstacle has been rejection of certain key provisions of the declaration by some communities in Isiolo County. The critical issue has been blood compensation payment in the event of a death. Some groups in Isiolo do not practice blood compensation and view it as a "Somali" or "Muslim" practice, while others embrace it but cannot agree on critical details such as payment for the death of a woman. As a result, the Modogashe Declaration has only had a limited impact on conflict management in Isiolo, but it reportedly has been useful in routinising dispute management between the Somali and Boran.

Business interests. The business community's stake in peace and security was discussed in the actor analysis above, and that constitutes an important source of regional resilience against conflict. The regional business community stands to benefit from major new opportunities for growth with the arrival of LAPSSET. It remains unclear whether the group is able to speak with one voice or serve as a viable pressure group for peace. It does enjoy some leverage with their communal groups, but it cannot control political figures intent on using violence to advance their ends. They have even less leverage with Al Shabaab.

National stakeholders. In past years, the fate of peripheral regions of Kenya was of little consequence to national elites. That is no longer the case. The Kenyan state is a major stakeholder in stability and peace in northern Kenya, both because of the imperative to extract oil and because security threats emanating from the Somali border areas threaten the investment climate and economic health of the entire country. What is unclear is whether those interests will be translated into effective or counterproductive policies.

Democracy and Voice. Northern Kenya's population may be marginal in national politics but they are no longer without voice. Thanks to democratisation and the rise of a vibrant free press and civil society, northern Kenya's

[205] Tetra Tech/ARD, "East Africa Regional Conflict and Instability Report," (Nairobi: Tetra Tech/ARD for USAID, 2011); and field interview, Isiolo, June 23 2014.

[206] Chopra T, "Reconciling Society and the Judiciary in Northern Kenya," (Nairobi: Legal Resources Foundation Trust, 2008), p17.

[207] Ibid p. 18.

conflicts are no longer forgotten or poorly understood. Local stakeholders in peace are better able to garner national attention to drivers of conflict and engage in conflict early warning. New security laws could erode this structural source of resilience to armed conflict, a possibility that is a source of conservable anxiety in some Kenyan quarters.[208]

3.7 DYNAMICS

Taken separately, most of the conflict drivers noted above are relatively manageable. But in certain combinations, they can pose an amplified risk and render parts of northern Kenya very vulnerable to armed conflict. The combination of factors which is both most worrisome and widely prevalent in much – though not all – of northern Kenya at this time are the following:

1. Continued dominance of exclusivist ethnic claims on resources as a central feature of political narratives and logic;
2. Mounting competition over both rural and urban land;
3. Fierce competition among rival elites for control over new county political positions and the state budgets they command;
4. Speculative land-grabbing or land claims by individuals, tribes and clans, and county governments in anticipation of major development projects and oil extraction; and
5. A new, devolved political system in which no established "rules of the game" exist to mediate community competition over resources and power;
6. The twin stresses of Al Shabaab terrorism and Kenyan government counter-terrorism operations targeting the region.

Together these factors have rendered local politics a high stakes, zero-sum game with potentially disastrous long-term consequences for communities on the losing end of these power struggles.

[208] Ayaga W, "Day of Shame as Controversial Security Bill Divides Parliament but Pushes Through," *The Standard* (19 December 2014) http://www.standardmedia.co.ke/?articleID=2000145282&story_title=day-of-shame-as-controversial-security-bill-divides-parliament-but-pushes-through&pageNo=1; Cyrus Ombati, "Tight Security in City over Riot Threats," The Standard (19 December 2014) http://www.standardmedia.co.ke/article/2000145218/tight-security-in-city-over-riot-threats.

4. CONFLICT ASSESSMENT / EASTERN SOMALILAND

Somaliland has a reputation as a place where maintenance of peace is valued by its population above all else, to the point that citizens sometimes described themselves as "hostages to peace."[209] The unrecognised secessionist state is not entirely immune from the threat of armed conflict and political violence, especially in its disputed eastern regions and it features numerous structural vulnerabilities to conflict. But it also possesses greater societal resilience and response capacities to the threat of armed violence and is therefore closer to a condition of "consolidated" or "durable" peace, than anywhere else in the Somali-inhabited eastern Horn of Africa.[210] Somalilanders have long argued that they are willing to make difficult compromises and to tolerate political injustices and malfeasance because of a commitment to avoid the fate of South-Central Somalia. The quest for recognition as a sovereign also serves as a powerful incentive to avoid political violence, as Somaliland's principal argument for recognition has been its impressive "performance legitimacy" in maintaining peace.

Several factors have helped Somaliland maintain peace and avoid armed conflict:

- Unlike northern Kenya, the state is physically distant enough from the south-central Somalia to minimise (though not entirely eliminate) spill over of conflict from south to north.
- Somaliland's largest and most dominant clan-family, the Isaaq, is a major stakeholder in the success of Somaliland, has generally been able to manage internal clan tensions and rotate power and has in the past been willing to share power with non-Isaaq clans rather than engage in winner-take-all ethno-hegemony.
- Somaliland's political culture – specifically the relatively robust and legitimate role played by clan elders and the enduring strength of customary law – remains intact, is widely cited as a critical distinction between Somaliland and southern Somalia and is believed locally to give the zone stronger conflict management and prevention tools.
- Somaliland's relations with neighbouring Ethiopia remain solid and its co-operation with the US and its allies on security matters give it added external backing.
- The Somaliland diaspora is large and influential, both as a source of remittances and as the primary source of investment capital for real estate and small businesses. Without the remittances, Somaliland's economic viability would be in question, and the very large percentage of the adult population that is unemployed would be more likely to gravitate to armed criminality.
- Al Shabaab has a network in Somaliland but for the moment has opted not to target Somaliland in its widening regional terrorist campaign.

The impressive achievements of Somaliland since 1991 in maintaining peace, security democracy, and economic recovery have been accomplished pragmatically. A recent World Bank study attributes Somaliland's past success to "an emphasis on negotiation; informal and flexible governance arrangements; clan-based allocation of resources and representation, to build trust and keep the peace; reliance on customary law; quid pro quo arrangements between political leadership and local businesses; and the power of dense social networks in a setting where society is stronger than state."[211] Collectively, these have reinforced a strong commitment to peace-building and a privileging of maintenance of peace over other values.[212]

But Somaliland's isolated eastern regions have never enjoyed this level of consolidated peace and today these regions count as one of the more dangerous flashpoints of active armed conflict in all of the eastern Horn. Four potential or on-going conflicts there are currently of special importance:

1. The multi-layered political clashes for control of contested territory inhabited by the Dolbahante clan (from Buhodle through Taleh to the 1960 Somaliland/Somalia border), which is a three-way armed conflict involving Somaliland security forces, Puntland security forces and a Dolbahante clan militia currently fighting as part of

[209] The opening two paragraphs of this chapter are derived from the introduction to a conflict analysis of Somaliland that the author produced for the United Nations Mission in Somalia in 2014. See Ken Menkhaus, "Technical Note: The Political Economy of Somaliland," (Nairobi: World Bank, April 2014), pp. 28-29

[210] For a recent study examining how Somaliland has able to take a different path from Somalia, see Sarah Phillips, "Political Settlements and State Formation: The Case of Somaliland," Research Paper 23 (Sydney: Development Leadership Forum, December 2013) http://www.dlprog.org/ftp/info/Public%20Folder/Political%20Settlements%20and%20State%20Formation%20-%20the%20Case%20of%20Somaliland.pdf.

[211] Menkhaus K, "Political Economy of Somaliland" (2014), p10.

[212] Detailed studies of Somaliland's peace architecture can be found in a number of excellent publications, including Bradbury (2008); Philips (2013); Marleen Renders, *Consider Somaliland: State-building with Traditional Leaders and Institutions* (Leiden: Brill, 2012); Dominik Balthasar, "Somaliland's Best-Kept Secret: Shrewd Politics and War Projects as a means of State-Making," *Journal of Eastern African Studies* (2013), pp.1-21; and Dan Harris and Marta Foresti, "Somaliland's Progress on Governance: A Case of Blending the Old and the New," (London: ODI, 2011).

Khatumo state;

2. The multi-layered political clashes for control of contested territory inhabited by the Dolbahante clan (from Buhodle through Taleh to the 1960 Somaliland/Somalia border), which is a three-way armed conflict involving Somaliland security forces, Puntland security forces and a Dolbahante clan militia currently fighting as part of Khatumo state;
3. Al Shabaab affiliated armed groups operating mainly in the Golis Mountains in Sanaag region, but with a wide network across the entire region;
4. A discernible rise in instances of violent crime, including rape, which, if unchecked, could produce retaliatory killings and communal clashes.[213]

Added to this are a number of old and new "stresses" affecting all of Somaliland – including exceptionally high unemployment, corruption, fraying of the social compact, creeping authoritarian tendencies, weak economic governance, heightened political competition between clans and elites over potentially game-changing new sources of revenue (from oil and an expanded trade with Ethiopia through Berbera port) and complications from political developments in South-Central Somalia – that are straining Somaliland's resilience to conflict pressures.[214] Somaliland's political system and governance practices have been slow to respond to new challenges and opportunities. This raises a fundamental question: Are the approaches that worked so effectively in the first two decades of Somaliland's quest for peace-building, economic recovery and state-building increasingly seen as obstacles rather than enablers of peace, growth and development? The capacity of both the government and civil society to manage new potential conflict drivers are being put to the test in eastern Somaliland today.

This chapter of the study is not intended to serve as a conflict assessment of all of Somaliland – it focuses only on the eastern areas of the state where oil is under exploration. In consequence, conflict dynamics and flashpoints that would be important in a wider Somaliland conflict assessment are not treated here unless they are critical for understanding peace and conflict dynamics in the Sool and south Togdheer region.

4.1 PROFILE AND HISTORY

4.1.1 GEOGRAPHY AND CLIMATE

Sool and south Togdheer are located in the southeastern portion of Somaliland, near or on the border with Ethiopia, in an area defined by the Sool Plateau and Nugal Valley and adjacent to the Haud, a valued rangeland plateau extending into eastern Ethiopia. Most of the area under investigation also falls into territory claimed by Somaliland, Puntland and the recently self-declared state of Khatumo. The region is semi-arid, receiving on average only about 100-300 millimetres of rain per year, making it one of the driest parts of Somaliland apart from the arid coastal zone. Rainfall is concentrated in the *gu* rainy season of April-June. Rainfall levels are higher to the west and fall off to the east. The altitude of the region varies between 500 and 1000 metres above sea level, with higher areas in the west (in south Togdheer),[215] so that mean temperatures are hot but more tolerable than along the coast and in Puntland.

Acacia trees are a prominent form of vegetation, but they have been dramatically reduced in number due to aggressive charcoal harvesting across the entire northern Horn. This has reduced the carrying capacity of the land and increased erosion. It has also opened land up to a devastating alien invasive species, *prosopis juliflora*, or mesquite.[216] *Prosopis juliflora* has utility as a source of firewood, construction, fodder and in fact, was introduced in Africa from Central America in the mid-20th century as a "miracle plant" that would help with both soil stabilisation and animal feed.[217] In the eastern Horn it was introduced around Somali refugee camps in eastern Ethiopia in the 1980s to combat deforestation. But over time local populations learned it has many drawbacks – including loss of biodiversity and (because it grows very rapidly and in dense bushes with sharp thorns) reduction in livestock

[213] This observation was repeatedly stressed by Somalilanders in interviews both for this research and in prior fieldwork conducted in early 2014 by the author.

[214] Menkhaus K,"Political Economy of Somaliland" (2014), p7.

[215] http://www.floodmap.net/Elevation/CountryElevationMap/?ct=SO.

[216] Candlelight for Health, Education, and Environment, "Proliferation of Honey Mesquite (Prosopis Juliflora) in Somaliland" (Dubai: CHLE, March 2006), p5. http://www.candlelightsomal.org/?p=390.

[217] See Pasiecznih NM, et al, "The Prosopis Juliflora- Prosobis Pallida Complex: A Monograph," (Coventry, UK: HDRA, for DFID, 2001).

mobility and loss of farmland. As a result it is considered one of the top unwanted invasive species in Africa.[218] One presentation at a recent workshop went so far as to conclude, "*Prosopis Juliflora* is a far greater threat to Somalia than Al Shabaab."[219] Whether exaggerated or not, the quote serves to remind that environmental stresses in the region are real and often of much more immediate impact on rural livelihoods and local patterns of conflict than distant security threats.

4.1.2 LIVELIHOODS AND DEVELOPMENT

The south Togdheer/Sool area is poor, remote and rural. The area was once almost entirely pastoral, but over the past two decades urban drift by poor pastoralists has fuelled the growth of the area's small towns. According to 2005 UN population estimates, Sool region now has a total population of 150,000, of whom 39,000 are in "urban" settings and 111,000 are rural dwellers.[220] Togdheer region features a larger regional population (402,000) of whom 123,000 are urban, thanks mainly to the large regional capital Burao. The largest settlements in the area under study are Las Anod, the capital of Sool region, at 25,000 people; Buuhoodle, a town on the Ethiopian border with a population of about 10,000; and Caynabo, the capital of the newly declared region of Saraar, with 6,600 residents.[221] Many original residents from this area of Somaliland – especially educated professionals – reside outside, in the largest cities of the Horn of Africa (Mogadishu, Hargeisa, Nairobi) – or in the diaspora.

Most of the population engages in pastoralism. Livestock – mainly camels and goats – are sold for export to the Gulf States, either via Bosaso in Puntland or Berbera in Somaliland. In this sense the region reflects the wider Somaliland economy, in which livestock accounts for 60% of GDP.[222] Some modest commercial activity occurs in the area, thanks in part to its position between Puntland and Somaliland and in part to the flow of remittances to local households from the large Somali diaspora originating from this area.

Somaliland as a whole is exceptionally dependent on remittances, receiving an estimated US$500 million per year.[223] A recent household survey of remittances in Somaliland and Puntland found that 51% of urban households and 28% of rural households receive remittances.[224] Urban households typically receive larger amounts but report secondary transfers to assist poor rural relatives. The mean annual total for households receiving remittance was found to be about US$950, a sizable sum in a poor economy.[225]

Development throughout this area is very low. Neither the Somaliland nor the Puntland government authorities have directed resources to the region and chronic insecurity and complications emanating from multiple political claims on control of the territory has frightened off most international aid agencies. Modest educational and health care facilities are operated either as private businesses or by local NGOs funded by the diaspora and international aid partners. Virtually all roads in eastern Somaliland are earthen or track roads. The Somaliland Road Development Agency acknowledges that the area "is isolated not only from the world but from the rest of the Somaliland" and has initiated construction of bitumen roads from Burao into eastern Somaliland.[226]

Both the rural and urban sectors in eastern Somaliland are under strain. Pastoralists across the northern Horn of Africa have struggled with multiple challenges, including declining terms of trade for livestock; the 2000-2009 ban on Somali livestock imports by Saudi Arabia due to fear of Rift Valley Fever; recurrent drought; the rise of enclosures and private water catchments (berkads); environmental degradation linked to charcoal harvesting, overgrazing and climate change; lack of access to veterinary services; and lack of access to basic social services.[227] The most recent UNDP Somalia Human Development Report confirmed statistically that while Somaliland and Puntland

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[218] *Prosopis juliflora* is also a problem in portions of northern Kenya, most notably in the Tana river valley area; Garissa is the most affected of the five counties under study here. But the species is also spreading in parts of Wajir and Mandera counties. Esther Mwangi and Brent Swallow, "Invasion of Prosopis Juliflora and Local Livelihoods: Case Study of Lake Baringo Area of Kenya (Nairobi: World Agro-forestry Centre, ICRAF Working Paper no 3, 2005), p. 19. http://www.worldagroforestry.org/downloads/publications/PDFs/wp03mwangi.pdf.

[219] Quoted in Adam-Bradford A, "The Somali Prosopis Infestation" Human Relief Foundation (unpublished Power Point presentation, 2014).

[220] UNDP, "Regions, districts, and their populations: Somalia, 2005" draft (unpublished), available at https://docs.unocha.org/sites/dms/Somalia/UNDP-POP-RURAL-URBAN%202005.pdf.

[221] Ibid. It should be noted that Somali websites list much higher population figures. Because of seasonal movements of pastoralists, accurate urban figures in this kind of setting are very difficult to secure with accuracy.

[222] Development Alternatives Inc., "Partnership for Economic Growth: Somaliland Private Sector Development Assessment," (Nairobi: USAID, 2011), p5.

[223] Menkhaus (2014), p3.

[224] Hammond L, Tiba Z and Ilhan-Ali N, "Family Ties: Remittances and Support in Puntland and Somaliland,"(London: SOAS, February 2013), p2.

[225] Ibid.

[226] Somaliland Road Development Agency, "Projects" http://somalilandroads.com/Projects/Index.

[227] Saudi authorities were in 2014 again considering a ban on camel imports, this time as an attempt to stop the MERS (Middle East Respiratory Syndrome) outbreak. See "Saudi Arabia Plans to Ban Camel Imports," Somaliland Sun (27 June 2014) http://www.somalilandsun.com/index.php/economic/6020-somaliland-saudi-arabia-plans-to-ban-camel-imports-.

poverty levels are somewhat better than the rest of the country, 80% of the rural population falls below the poverty line.[228] Across the country, urban areas appear to be better off in almost every indicator. Not surprisingly, urban drift is a major demographic trend as destitute pastoralists settle on the outskirts of towns.

Yet the situation is poor in Somaliland's urban areas as well; the Ministry of Labour and Social Affairs estimates 80% of working-age adults are unemployed, almost entirely concentrated in cities.[229] A variety of factors have worked against expansion of private sector growth that could generate new jobs in towns and cities, including poor access to loans, insurance and other complications arising from Somaliland's legal status as an unrecognised state, poor access to energy and water, a weak local market and weak economic governance.[230] Despite extremely high unemployment rates, both rural and urban areas of Somaliland have attracted migrant labourers from the highlands of Ethiopia. This is in part due to cultural reluctance on the part of Somalis to engage in low status work (including farming, trash collection, construction and certain service and hospitality jobs) and in part because remittances have inflated the costs of labour and created disincentives for residents to work for anything less than US$5/day.[231]

A final aspect of the socio-economic context of eastern Somaliland is the prevalence of qat-chewing, especially in urban areas. *Qat* - a narcotic leaf imported daily from the Ethiopian highlands – is chewed by most adult urban males. Households devote a considerable portion of their revenue (often remittances) to *qat*-purchases and consumption of qat is a group ritual that absorbs most of the adult male population from early afternoon until evening. From an economic standpoint, qat consumption in Somaliland is a major drain on household savings and a primary cause of the country's serious trade deficit with Ethiopia. The most commonly cited estimate for the annual cost of Somali importation for qat from Ethiopia and Kenya is US$500 million, but the actual figure in unknown.

4.1.3 IDENTITY AND ETHNICITY

The region under study is mainly inhabited by two large clans, the Dolbahante and Isaaq. From Buuhoodle east and northeast, the Dolbahante clan (of the Harti/Darood lineage) reside. This includes almost all of Sool region and portions of eastern Togdheer region. The borders of the self-declared Khatumo state roughly correspond to the land of the Dolbahante clan, though Khatumo state authorities do not present the polity explicitly as an ethno-state. To the west, in southern Togdheer region, including the town of Caynabo, the Haber Jaclo clan of the Isaaq clan family reside. Another Isaaq clan, the Haber Yunis, control territory to the north of Sool.

As is the case with all Somali clans, these lineage units are fissurable – the particular level of lineage solidarity at any given moment is situational and fluid. The Isaaq and the Dolbahante are frequently internally divided and embroiled in disputes. A history of trade, negotiated access to one another's pastures and intermarriage have built well-established relations between the Dolbahante and Isaaq. The wider political tensions between Puntland, Khatumo state and Somaliland have hardened the Isaaq-Dolbahante division in recent years, but even so the Dolbahante are divided – opportunistically so, as will be discussed below – over their allegiance to these three political suitors.

Clan identity in Somaliland was enshrined in the system of consociational democracy that was the basis for proportional representation in the 1990s and continues to be formalised today in the role of clan elders in the upper house or *Guurti* in the legislative branch.

Even so, identity politics in the region goes beyond clannism. Islamism is a powerful source of social and political identity in eastern Somaliland. This includes violent extremist manifestations of Islamism. Eastern Somaliland – from Burao to the Golis Mountains in Sanaag region – has earned a reputation for generating a significant number of supporters and sympathisers of Al Shabaab.

"Political" identity – affiliation to Somaliland, Puntland, Khatumo state, or a unitary Somali state – can also be mobilised, but it is generally entangled with clan identity, personal calculations of interests and/or Islamist leanings. Many though not all strongly held allegiances to a polity can be traced to clan. This has been most often the case with members of the Isaaq, who are on aggregate most likely to embrace Somaliland. The Dolbahante are unusual in that, as a clan living on the periphery of Somaliland, Puntland and the Somali state, they have less

[228] UNDP, "Somalia Human Development Report 2011," (Nairobi: UNDP, 2011), p. 25. Hammond et al produced more precise results, finding that almost all rural households in Somaliland and Puntland had monthly incomes between $100-300, with a mean of $199/month. Hammond (2013), p18.

[229] Development Alternatives Inc (2011), p8.

[230] Menkhaus (2014).

[231] Ibid. p23.

of a commitment to any of these polities and have over the years exhibited a strong tendency to re-align politically as circumstances dictate. The self-declared Khatumo state is the only entity that squarely embodies Dolbahante interests, but it is new and weak and without many material benefits to offer potential supporters. In consequence, the Dolbahante have tended to be fragmented in their political allegiances and pragmatic in their willingness to shift frequently loyalties. Some individuals have even taken up high level political posts in rapid succession in both the Somaliland and Puntland administrations.[232]

A final and enduring identity prevalent in the area under study is a sense of belonging to a "periphery." Whether Dolbahante or Isaaq, communities in south Togdheer and Sool see themselves as remote populations ignored by the dominant and privileged urbanites of Hargeisa and Garowe. This identity feeds easily into distrust of the "centre" and into grievance narratives that can fuel armed conflict and resistance.

4.1.4 HISTORY, PRE-1991

Several historical developments shape current conflict issues and trends in the south Togdheer and Sool area.

From a historical perspective, the south Togdheer and Sool region are most famous as the epicentre of the two decades-long anti-colonial jihad led by Sayyid Muhammad Abdille Hassan. From 1899 to 1920, his forces, known as the Dervishes, numbered as many of 6,000 and fought to drive out the British, Ethiopians and Italians who had carved up the area into colonial holdings.[233] The Sayyid's headquarters were a fort at Telex, in what is today Sool region. The Sayyid was able to draw on support across all of the clans in the region, especially his paternal clan (the Ogaden, from eastern Ethiopia) and maternal clan (the Dolbahante). But he also faced resistance from some Ogaden and Dolbahante sub-clans, as well as defections. The Isaaq clans in the region were, with some exceptions, aligned with the British and opposed to the Dervishes. Considerable bloodshed occurred between the Dervishes and rival clans and Islamic brotherhoods in eastern Somaliland and nearby parts of Ethiopia. Whether the Sayyid is recalled as a nationalist hero or a murderous, polarising figure depends in part on the experience and perspective of particular clans in the area.

The Sayyid's success in mobilising such a large and sustained jihadi resistance force was due in large part to his ability to conflate Islamism, Somali nationalism and anti-imperialist sentiment, much as Al Shabaab has done in more recent times. Locally, some Khatumo state enthusiasts have seen advantage in appropriating the Dervish legacy to mobilise their base in support of a "war of liberation" against Somaliland and for a united Somalia. Some backers of Khatumo state refer to themselves as the "Darwiish community" as part of this effort.[234]

The establishment of a British Protectorate in the area of study from 1985 to 1960 has two significant legacies for peace and conflict trends. First, it established the political borders that are now under dispute between Puntland and Somaliland. Second, many argue that the British policy of indirect rule meant that traditional clan elders' authority was largely left intact, in contrast to Italian colonialism in the south of Somalia, which manipulated and undermined customary authority.[235] According to this school of thought, that legacy left Somaliland better equipped to manage the state collapse in 1991, as clan elders were able to maintain control of clan militias and prevent levels of looting and ethnic cleansing that beset the south.

In 1960, a strong Somali nationalist drive to create a single Somali nation-state in the eastern Horn led to the unification of British Somaliland with Italian Somalia. British Somaliland was independent for five days before merging with its southern neighbour. Somaliland historical accounts stress that northerners felt immediate regret over this decision as evidence quickly mounted that the north was going to be marginalised by Mogadishu; a failed coup led by northern military officers as early as 1961 reflected the extent of the grievances.[236] Northern grievances, mainly held by the Isaaq, mounted after the disastrous Ogaden War of 1977-78 with Ethiopia. Arrests of Isaaq civil servants and punitive economic policies reinforced Issaq grievances. The Barre regime came to view

[232] Hoehne (2009), pp.269-70.

[233] Lewis IM, *A Modern History of the Somali* (4th ed) (London: James Currey Press, 2002), pp68-71. The Ethiopian empire viewed its claim on Somali-inhabited areas of the Haud plateau as historically part and parcel of the empire, not a colonial territory, but Somali historical narratives characterise Ethiopia as an "African colonizer" of Somali land.

[234] See the Khatumo.net website http://khatumo.net/?p=3797 . Self-referencing as the Darwiish community or Khatumites also allows supporters to avoid use of their clan name (Dolbahante) and evade the fact that Khatumo state, like Puntland, is a polity created along clan lines. Khatumo state officials deny that it is a clan-based entity, noting several small non-Dolbahante clans are also part of the territory. See "What is Khatumo State?" *Somalia Report* (26 April 2012) http://www.somaliareport.com/index.php/post/3271/What_is_Khatumo_State.

[235] Gerard Prunier, "Le Somaliland, une exception africaine," *Le Monde Diplomatique* (October 2010) http://www.monde-diplomatique.fr/2010/10/PRUNIER/19778.

[236] Lewis (2002), pp173-74. The trigger for the poorly planned coup attempt was the posting by the government of military superiors from the south over northern officers in Hargeisa.

the Isaaq clan as hostile, especially after the creation of the Somali National Liberation movement in 1981, an armed insurgency that drew heavily on support from Isaaq, especially from Togdheer region.[237] The 1980s was a very repressive decade of military occupation and martial law in the north. When the SNM launched an offensive into northern Somalia against government forces in May 1988, the Barre regime's response was to conduct aerial bombardments levelling the city of Hargeisa and to conduct military operation targeting civilian Isaaq. The result was catastrophic – an estimated 50,000 dead, some in execution style massacres and several hundred thousand refugees into Ethiopia.[238] These losses would feed into a deepening grievance narrative among the Isaaq that helped to fuel the subsequent declaration to secede from Somalia. The enormous refugee population also resulted in large-scale third county resettlement of Isaaq in the early 1990s, helping to swell the size of a Somaliland diaspora that was already, due to historical reasons, large and well-established in the UK.

In Sool region, the local experience of the Barre regime was quite different. The Barre regime brought the Dolbahante into a clan-based alliance known as the MOD (Marehan-Ogaden-Dolbahante) all of which were sub-clans of the Darood clan family. The Dolbahante elite thus had access to positions of authority and to government patronage in the 1980s and most of those elites relocated to Mogadishu. This affiliation to the Barre regime raised tensions between the Dolbahante and their Isaaq neighbours in south Togdheer. When the Barre regime fell, the large Dolbahante community in Mogadishu was forced to flee. Most relocated to Kenya and from there many moved to Europe or North American where they form a large and active diaspora that – as is discussed below – plays an outsised role in local politics.

The oil concessions granted by the Barre regime to international oil firms are a final legacy from the pre-1991 period. Corporations, which include Chevron, Conoco, Eni and Shell, invoked force majeure when the Somali state collapsed in 1991 and maintain that they still hold exclusive rights to the blocks they secured. The blocks in south Togdheer and Sool region are claimed by Conoco (now ConocoPhillips). In ensuing years, both Puntland and Somaliland authorities have offered concessions to other oil exploration firms, resulting in legal disputes over rights to the blocks.[239]

4.1.5 HISTORY SINCE 1991

In the 1990s – the first decade of the collapse of the Somali state – south Togdheer and Sool regions were among the most neglected and marginalised areas of Somalia and Somaliland. Somaliland was declared an independent, secessionist state in May 1991 and it claimed sovereign control over south Togdheer and Sool region but made little effort to govern the remote area. The Dolbahante clan in Sool region generally acquiesced to the creation of Somaliland but were not full stakeholders in what they correctly saw as an Isaaq-dominated polity.[240] This ambivalence about Somaliland was heightened when the non-Isaaq clan of the Gadabursi (from western Somaliland) landed the Vice President position under President Egal, giving the Dolbahante and Warsengali the impression they were viewed as less important in the polity. As for the Habar Jaclo sub-clan of the Issaq in south Togdheer, it was drawn into costly wars with the neighbouring Habar Yunis/Isaaq clan in 1992 and 1994 in the Burao area, part of a wider period of intermittent civil war within the Isaaq clan from 1992 to and 1996. The 1992 war in Burao left 300 dead.[241] A series of national peace assemblies culminated in an end to the civil war by 1996.

After 1996, Sool region earned a reputation as a somewhat insecure area of Somaliland, beset by periodic low-level clan clashes and greater levels of armed criminality than was the case in the now peaceful western parts of Somaliland. In consequence, little development work and investment came into the area. The region largely missed out on the Somaliland "success story" of economic recovery and consolidated peace in the western half of the country.

The declaration of the autonomous state of Puntland in 1998 introduced overlapping political claims on the territory inhabited by the two Harti clans, the Dolbahante and Warsengali, in eastern Somaliland. Revealingly, for a number of years this was more of an opportunity than a problem for political elites in those two clans, who gladly played Somaliland and Puntland off one another for positions in government and other largesse.[242] Towns in the disputed

[237] Ibid. p252.

[238] Robert Gersony, "Why Somalis Flee: Synthesis of Accounts of Conflict Experience in Northern Somalia by Refugees, Displaced Persons, and Others". Report to the US Department of State (August 1989).

[239] Manson K, "Somalia: Oil Thrown on the Fire" *Financial Times* (13 May 2013) http://www.ft.com/intl/cms/s/0/538e9550-b3e1-11e2-ace9-00144feabdc0.html#axzz3LSRcxrsf.

[240] When Somaliland President Mohamed Farah Egal named a Gadabursi as his Vice-President in 1993, the Dolbahante and Warsengeli clans in the east interpreted this as further evidence of their marginalisation in Somaliland politics.

[241] Bradbury (2008), p89.

[242] Hoehne M, "Puntland and Somaliland Clashing in Northern Somalia: Who Cuts the Gordian Knot?" NY: Social Science Research Council "Crisis in the Horn

areas frequently featured two mayors, one appointed by Somaliland and the other by Puntland, co-existing with one another. In other cases, local families placed two family members in opposing governments.[243] But the dual claims on the territory meant that international NGOs were even more reluctant to engage there due to the political complications and risks of having to choose between one of two authorities. Even Somaliland and Puntland national leaders avoided the area. When in 2002 the Somaliland President Dahir Riyale did visit Las Anod, his presence triggered a shootout, after which Somaliland forces and administrators left the town.[244]

The situation turned violent in late 2004, when a Puntland and Somaliland military build-up in the Las Anod area culminated in armed clashes in which at least a dozen soldiers died and twenty were taken prisoner.[245] Some news reports at the time claimed as many as 100 deaths.[246] Heavier fighting broke out in the Las Anod area again in 2007. Since that time, the Sool/Sanaag region constitutes what International Crisis Group has called "one of the deepest faultlines in contemporary Somali politics."[247]

The trigger in 2007 was a combination of clan tensions within the Dolbahante over perceived monopolisation of patronage by the lineage of the Puntland Vice-President (the Mahamud Garaad sub-clan) and the personal ambitions of a top Dolbahante figure from a rival Dolbahante sub-clan (the Faraax Garaad). That figure, Ahmed Abdi Habsade, declared a local administration controlled by the Faraax Garaad at Buuhoodle and then switched sides from Puntland to Somaliland. In consequence, Somaliland retook Las Anod and have maintained forces there ever since.[248] Since that time, the contested portions of eastern Somaliland, especially Sool region, have remained militarised and a potential trigger for wider war.

In the south, the declaration of a Transitional National Government (TNG) in 2000 and then a Transitional Federal Government (TFG) in late 2004 also played a role in raising the stakes over control of the disputed territory. The TNG was especially provocative in that the Prime Minister in 2000-01 was a Dolbahante, Ali Khalif Gelaydh, currently President of Khatumo state. Though neither the TNG nor the TFG were ever functional as administrations, their existence offered Dolbahante political elites a third option between alliance with Somaliland or Puntland. They could now advocate for their region to be part of a revived Somali national state. This notion manifested itself with the 2009 declaration of a 'Sool-Sanaag-Cayn" (SSC) autonomous region comprising Dolbahante territory. The SSC militia clashed with Somaliland forces but never became an operational administration. In January 2012 an assembly of Dolbahante political elites and elders convened in Telex, Sool region and declared the establishment of "Khatumo state," an autonomous federal state in the Somali Federal Government, independent of both Puntland and Somaliland. The leadership of the conference producing Khatumo state involved nine eminent, wealthy Dolbahante professionals or business figures from the diaspora. This "G-9" combined with the most senior clan elders to form a council of about 24 members.[249] Local elections to form a Khatumo Parliament were held in August 2014, followed by Parliamentary vote to elect a President. As noted above, the current Khatumo President is Ali Khalif Galaydh, a Somali-American professor and businessman whose previous political experience included serving as Prime Minister in the Transitional National Government of 2000-02.

Khatumo state's territorial claims extend from the Puntland border in the east to the eastern edge of Burao and all the way to the Red Sea coast, including portions of Sanaag region. At present, however, Khatumo state controls little of this territory. Las Anod is in the hands of Somaliland forces, while coastal zones of Sanaag are inhabited by the Warsengali clan which, to date, has not expressed interest in joining Khatumo state. Khatumo maintains a militia, but its governance structure is still aspirational. Its expectations to join the SFG as a recognised federal state have been entangled in disputes inside the SFG.

The creation of Khatumo state in 2012 immediately raised tensions with both Somaliland and Puntland and armed clashes have intermittently occurred between Khatumo militias and both Somaliland and Puntland since 2012 (documented below).

Observers closest to the political scene in Sool region argue that Khatumo state currently has the broad backing

of Africa" project (7 November 2007) http://hornofafrica.ssrc.org/Hoehne/.

[243] Hoehne M and Feyissa D, "Centering Borders and Borderlands: Evidence from Africa" In Benedict Korf and Timothy Raeymaekers, eds. *Violence on the Margins: States, Violence, and Borderlands* (London: Palgrave-Macmillan, 2014), p70.

[244] Ibid.

[245] Ibid.

[246] IRIN, "Somalia: Over 100 Killed in Clashes Between Somaliland and Puntland," Reliefweb (1 November 2004) http://reliefweb.int/report/somalia/somalia-over-100-killed-clashes-between-somaliland-and-puntland

[247] International Crisis Group, "Somaliland: Democracy and its Discontents" (Brussels: ICG Africa Report no 66, 2003), p30.

[248] Ibid.

[249] Hoehne M, "Report on the 'Khaatumo State of Somalia,'" unpublished paper (21 February 2012), pp2-3.

of most Dolbahante residents in the area.[250] Dolbahante politicians in the Somaliland or Puntland administrations are viewed as having no serious home constituency in Sool region. If past precedent is any guide, however, the Dolbahante elite is likely to continue to play a pragmatic game of shopping for bargains between political suitors.[251] For local elites, the appeal of Khatumo state is principally as a bargaining chip to use as leverage in national politics and potentially as a claim on whatever oil is eventually extracted from the area (see Actors, below). For the population at large, Khatumo state's appeal as a source of political identity and pride for the "Darwiish" community is offset by the fact that the state is, at present, non-viable. It lacks a port, paved roads, a large urban centre and a revenue base, so that the government will struggle to provide paid jobs and minimal services. Moreover, polities expressing varying degrees of hostility toward its very existence surround Khatumo. Puntland and Somaliland have attacked its militia and Ethiopia expressed its displeasure with Khatumo state's leadership by evicting President Galaydh from Ethiopia this year.[252] President Galaydh's call to arms against Somaliland has also earned him problems with the US government – he was called into the US Embassy in Nairobi, his travel was temporarily restricted and he was interrogated for possible violation of US laws related to his role as head of a group calling for attacks on Somaliland.[253]

To the south of SSC, in the Sanaag-Puntland border area of the Golis Mountains, a different security threat emerged – the Islamist militia of Sheikh Mohamud Atom, known as the Galgala militia. The group initially emerged as a form of local armed resistance to attempts by the Puntland government to introduce foreign mining and oil exploration firms into the area without adequate consent of or an approved revenue sharing agreement with the local Dolbahante population.[254] Atom, however, had links to Al Shabaab (as an arms procurer) and in early 2012 large numbers of Al Shabaab fighters reportedly relocated to the Golis Mountains in the aftermath of repeated military setbacks in the Mogadishu area. The Galgala militia engaged in repeated clashes with Puntland forces and was viewed as a major new jihadi threat spreading to the north of the country.[255] Galgala leadership was in fact split over whether the group was affiliated with Al Shabaab and most observers concluded that the group was first and foremost a manifestation of local grievances over resources. The group, moreover, only targeted Puntland, not Somaliland targets and it has never been in close proximity to the south Togdheer/Sool region. But its presence and the large movement of Al Shabaab fighters and ex-fighters up to the areas, served notice that other portions of eastern Somaliland could become targets of an Al Shabaab shift in resources and targeting.

A final recent development in the region is the introduction of oil exploration in Somaliland, first by Genel, an Anglo-Turkish firm. Portions of the blocks it was awarded extend into the disputed areas of Sool and Cayn or south Togdheer. This development is covered as a conflict driver below.

4.1.6 PATTERNS OF ARMED CONFLICT AND INSECURITY

Major armed clashes or security threats in South Togdheer and Sool region since the early 1990s include the following events:

[250] Ibid p3.

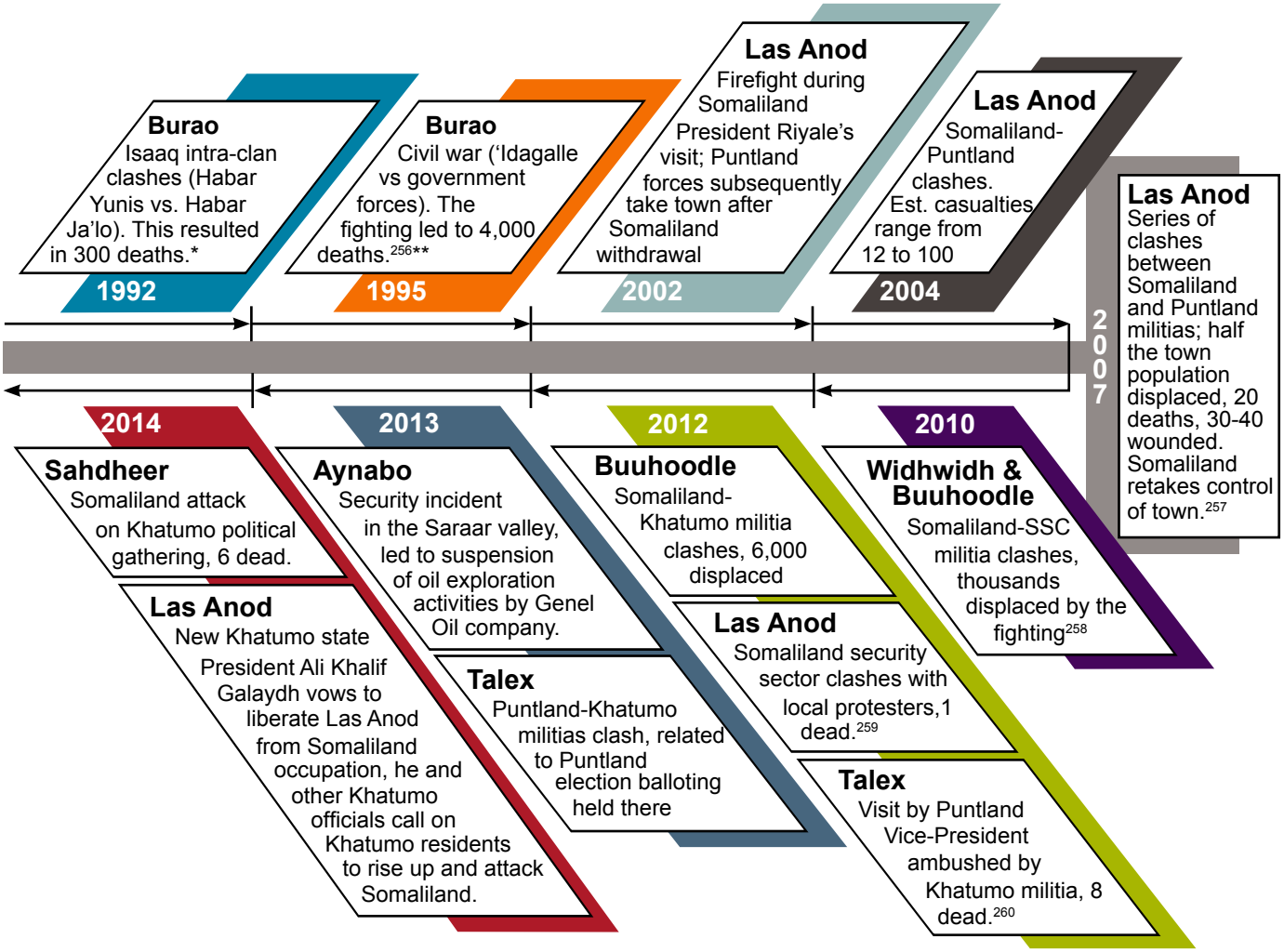
[251] By way of example, one of the founders of Khatumo State, Ahmed Garash, ran for office in Puntland in 2013.

[252] "Ethiopia: Khatumo State Founder Ordered to Leave for Security Reason," HAN (23 October 2014) http://www.geeskaafrika.com/ethiopia-khatumo-state-founder-ordered-to-leave-for-security-reason/6010/.

[253] Goth Mohamed Goth, "Somaliland: US Government Subjects Travel Restriction on Ali Khalif Galaydh," *Somaliland Monitor* (27 October 2014) http://somalilandmonitor.net/somaliland-u-s-government-subjects-travel-restriction-on-ali-khalif-galaydh/1020/.

[254] "What is the Galgala Conflict?" *Somalia Report* (14 April 2012) http://www.somaliareport.com/index.php/post/3240.

[255] Ibid.



* While this was outside the area of investigation of this study, it is in the general proximity and it affected clan relations between two lineages in the area.
** This also fell outside the area under investigation but indirectly affected portions of south Togdheer.

In In addition to these conflict events, a close reading of UN security reports from the region reveals daily incidents involving clan clashes, revenge killings, street protests, ambushes, violent crime and other instances of lethal instability.

Several patterns emerge from the area's history of conflict. First, despite the large-scale political violence documented above, local residents interviewed in Aynabo (one of four districts of Sool region) expressed little concern about the armed struggle between Somaliland, Puntland, and Khatumo state. Instead, they were far more preoccupied with more mundane but immediate sources of insecurity and violence in their lives. They pointed again and again to the threat of violent crime, including rape and the dangers of revenge attacks when traditional authorities are unable to bring perpetrators to justice. Interviewees highlighted the threat of communal violence over illegal charcoal harvesting and clashes over rangeland. They also flagged enclosures and new settlements as threats to the peace.[261]

[256] Bradbury (2008), p116.

[257] Hoehne (2007); "Somaliland takes Control of Las Anod," *Somaliland Times* (20 October 2007) http://somalilandtimes.net/sl/2007/300/3.shtml.

[258] IRIN, "Somaliland Clashes Displace Thousands," (23 July 2010) http://www.irinnews.org/report/89941/somalia-somaliland-clashes-displace-thousands.

[259] Ahmed Mohamed, "Somaliland Police Open Fire on Protesters," *Somalia Report* (8 March 2012) http://www.somaliareport.com/index.php/post/3024/Somaliland_Police_Open_Fire_on_Protesters__.

[260] "Puntland Troops Clash with Militia in Taleh, 8 Killed," *Security Assistance Monitor* (2 December 2013) http://www.securityassistance.org/content/puntland-troops-clash-militia-taleh-8-killed.

[261] DDG, Multiple group interviews, Aynabo, August 18 2014.

This gap between local security concerns and the international and national focus on the intermittent war between the three rival polities claiming disputed parts of Sool-Sanaag-Cayn territory can mean one of two things. On the one hand, it may simply reflect the fact that study interviewees resided in an district of northern Sool region that is at the perimeter of the disputed territory and have been relatively unaffected by armed contestation over SSC. With access to Las Anod and Buuhoodle towns, the responses may have been quite different. But it could also serve as a reminder that the general population is still more concerned with and affected by mundane security threats than the politically engineered crises over control over SSC. It is likely that both inferences have merit.

Second, virtually all of the major incidents of armed clashes have been driven by the wider politics of Somaliland, Puntland, SSC and/or Khatumo state. The area does suffer from its share of communal clashes unrelated to politics, but – in contrast to the often explosive and large-scale violence associated with communal clashes in northern Kenya – they are contained and managed relatively effectively through customary law. The bigger problem is that the politics of rival regional states (Somaliland, Puntland, Khatumo) has produced recurrent mobilisation for war in which local populations are fighters and victims but rarely beneficiaries.

Third, outbreaks of politically-driven armed conflict have occurred with regularity since 2002. The region enjoyed its most tranquil period in the 1991-2001 era, when it was marginal to both politics and armed conflicts in both Puntland and Somaliland. Since 2002, the area has been repeatedly hit by episodes of politically-driven clashes.

Fourth, unlike some other zones of the Eastern Horn, including northern Kenya, armed conflicts in south Togdheer/Sool have generally avoided massacres of civilians, widespread looting, or ethnic cleansing of territory. Most of the armed encounters involve militias engaging one another. The armed forces are at least somewhat under command and control and are not engaged in lawless predation on the population at the rates that occur in south central Somalia. The protagonists in armed conflict in the area adhere to some “rules of the game” that have reduced total levels of fatalities and have helped reduce the level of grievances that can fuel recurrence of war.

Fifth, unlike northern Kenya, little of the conflict in the area has been over communal rights to and competing claims on land. Patterns of habitation, migration, and access are well-established in this part of Somalia. Instead, armed conflicts are breaking out over wider political affiliations and control over the area.

Finally, there is a clear acceleration in the number of militia clashes between the three main political actors, suggesting that the area is heading toward worsening violence.

4.2 STRUCTURAL AND PROXIMATE CAUSES OF CONFLICT

Somaliland’s sustained peace has been especially impressive because the country possesses many underlying features associated with vulnerability to conflict. To date, a number of factors that are potential sources of conflict have been managed effectively. The eastern areas of Somaliland are, however, forced to cope with more volatile structural and proximate causes of conflict.

Marginalisation. The region’s political and developmental marginalisation is profound. Somaliland, Puntland and the Somali Federal Government all claim it, yet for all three of these contestants the area is a distant periphery. None of these rival polities has provided the area with significant development, services, infrastructure, or administration. The territory’s principal political role has been as a geographic placeholder for local political elites aspiring to positions of power elsewhere. The aspirational state of Khatumo and its predecessor the SSC state, is in some ways a local reaction against political marginalisation and a manifestation of local empowerment and self-rule. Yet Khatumo has primarily served as a vehicle for the interests of a small number of wealthy diaspora members.

Marginalisation also means that local communities are suspicious of initiatives – including oil exploration – the benefits of which they suspect will accrue to interests in the capital, at their expense. Study interviews hinted at high levels of distrust of the government and of empowered groups.

Competing political claims. There is no question that the major underlying source of organised militia conflict in the areas is due to the competing claims of exclusive political authority over SSC by Somaliland, Puntland, the SFG and now Khatumo state. From 2002 to 2010, this manifested itself in periodic clashes and dangerous militia build-up between Somaliland and Puntland. Since 2010, clashes have shifted and are now between Somaliland and SSC or Khatumo state militias, and occasionally between Puntland and Khatumo State.

As structural causes of conflict go, this one is fairly intractable. The initial solution to this impasse – the overlapping

of authorities from 1998-2002, in which both Puntland and Somaliland claimed the area, but neither made much of an attempt to govern it and both were content to allow dual local authorities to co-exist – is no longer an option, as the stakes are too high. For Somaliland in particular, continued control over all of the territory of the 1960 colonial border is critical to its legal claim for independence.[262] As noted in the actor analysis below, Puntland leaders have economic reasons (principally the prospects for oil) not to concede control of the territory to either Somaliland or Khatumo state. Dolbahante political elites have a strong incentive to lay claim to exclusive control over Khatumo state as a platform for national ambitions and as a possible windfall in oil revenues (see actor analysis).

With these interests at play, there is little room for a negotiated political settlement on SSC regions. The competing territorial claims by Somaliland, Puntland, the SFG and Khatumo state are likely to remain a source of chronic conflict, instability and militarisation of the area for some time to come.

Weak governance. Weak governance across the area under investigation has compelled local communities to rely heavily on customary law and traditional authorities to manage disputes. While *xeer* has been a relatively effective tool in the area, it is not always able to cope with new conflict issues.

Unemployment and poverty. To date, exceptionally high unemployment rates in urban areas of Somaliland have not led to high levels of armed criminality and violence. But the growing militarisation of politics in the disputed areas of SSC is leading to the build-up of increasingly large groups of armed young men with few employment prospects outside of the security sector. This could leave a legacy of armed unemployed youth in years to come. As noted below, destitute pastoralists turn to charcoal harvesting, which can become a trigger of armed clashes in rural areas.

Natural resource stresses. Interviews cited charcoal harvesting as a top concern, but other factors have also contributed to mounting pressures on rangeland in the area, including an increase in enclosures. The strain on the carrying capacity of the land in south Togdheer and Sool region is likely to mirror wider environmental trends in the north of Somalia and could produce clashes over land and urban drift by destitute pastoral families.

National political dynamics. The politics of the Somali Federal Government in Mogadishu is very distant from south Togdheer and Sool region, yet looms large as a potential source of conflict. The SFG has powerful reasons to use SSC to delegitimise Somaliland and is likely to be tempted to do so. The existence of the SFG provides dissatisfied elites from the area an alternative to either Puntland or Somaliland and one with potentially much more lucrative ministerial posts to vie for.

Clan chauvinism. Lurking behind the political clashes over SSC territory are clan agendas. Clan identity is, as was noted earlier, built into the very political system of Somaliland and reinforced by the society's heavy dependence on elders and customary law, which is clan-based. Though Somaliland is a multi-clan society, Isaaq clan interests dominate the government, the armed forces of which are largely Isaaq. Puntland was established as an ethno-state, its borders defined by the territory of the Harti clan and Khatumo state is essentially an expression of Dolbahante clan desires for self-rule. Clannism is not in and of itself a source of conflict, but political mobilisation of clan chauvinism can be a dangerous source of incitement to violence. The current political discourse on Sool and south Togdheer is laden with worrisome clan chauvinism, creating a polarised environment that is more susceptible to armed conflict.

4.3 TRIGGERS

Many of the triggers of conflict in south Togdheer and Sool region are common to other conflict vulnerable setting, but a number are of particular sensitivity in this context.

High level visits. The track record of recent armed clashes clearly shows that high-level visits to the region by Somaliland or Puntland officials are a frequent trigger for armed clashes, protests, and other destabilising events. This claim can be extended to the top leaders of the new Khatumo state and the "G9" leaders from the diaspora, whose arrival in the area attracts military action by Somaliland.

Elections. Both Somaliland and Puntland have attempted to establish polling stations in the disputed territories and in almost every instance this has produced armed incidents and protests that have turned violent. Unlike most "poll violence," this violence is the result of locals rejecting the legitimacy of the election itself, not an attempt by one group to attack a rival in order to win the election.

[262] Hoehne (2012), p5.

Crime. In interviews, local communities stressed that acts of criminality left unresolved are a top trigger of violence, as they lead to revenge killings that can spiral into wider instability. Rising levels of criminality, including gang-based violence, have been a mounting concern across all of Somaliland in recent years, though still at relatively low levels, this constitutes a break from two decades of impressive community safety.[263]

Charcoal harvesting. Tensions over charcoal harvesting can trigger clashes between pastoralists and the charcoal harvesters. The latter are often destitute pastoralists who have had to turn to charcoal as an alternative livelihood.

New settlements. As in other pastoral settings of the eastern Horn, new settlements in open rangeland are interpreted as that clan laying claim to rights over that territory and in settings where overlapping use of rangeland exists, this can trigger conflict. Settlements also introduce new land tenure arrangements – private holdings, as opposed to communally owned open use rangeland.

Introduction of new jobs and contracts. The area offers few prospects for employment and contracts, so when such opportunities are introduced, they can become valued items over which locals can fight. Tensions will rise when jobs are awarded to "outside" Somalilanders over those from the local area.

Deployment of the Oil Protection Unit. Field interviews found that, at least in some locations, pastoral groups reject the idea of an Oil Protection Unit (OPU) being deployed in their territory and will resist it. This is a worrisome conflict trigger, as the OPUs are set to deploy after training in 2015. The issue is treated in more detail below in "New Drivers".

Incitement by "remote control." Like the rest of the eastern Horn of Africa, communities in eastern Somaliland are susceptible to manipulation by their elites in distant capitals or the diaspora, who can incite acts of violence in pursuit of narrow personal interests. This has occurred both for political reasons (Khatumo state leaders from the diaspora imploring local populations to take up arms against Somaliland) and economic reasons (businesspeople urging locals to disrupt oil exploration because they failed to get contracts).[264] This trigger is discussed in more detail below.

4.4 NEW DRIVERS

Three new conflict drivers in the south Togdheer/Sool area have emerged in recent years.

4.4.1 KHATUMO STATE

The first, the declaration of Khatumo state, has already been addressed above, and need not be repeated here.

4.4.2 EROSION OF THE SOCIAL COMPACT

The second is a trend emanating from the Somaliland capital – namely, a discernible deterioration in the social compact that has kept Somaliland peaceful and stable for the past 15 years. Somalilanders and external observers have voiced this concern with mounting worry for a number of years. Corruption, cronyism, a narrow clan exclusivism on the part of the ruling government, lack of institutionalisation and rule of law, election controversies and creeping authoritarian tendencies have all contributed to a fraying of the social compact between state and society.[265] This will not in and of itself produce armed conflict, but it is eroding the resilience that Somaliland to date has had in the face of conflict pressures.

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[263] This observation is based on the author's access to a collection of focus group interviews conducted in Somaliland in 2012 as part of a UNICEF-sponsored study of conflict and education in Somalia, a project in which the author was a team member. That report is available as University of York, "UNICEF Somalia Report: Beyond Fragility: A Conflict and Education Analysis of the Somali Context" (York: University of York, Post-War Reconstruction and Development Unit, 2013).

[264] Danish Demining Group, "Preliminary Findings from Conflict Research in Ainhabo and Burao Districts," (unpublished note, September 2014).

[265] For a sampling of reports and opinion pieces expressing concern, see Progressio, "Swerves in the Road: Report by International Election Observers on the 2012 Local Elections in Somaliland," (London: Progressio, 2013); Menkhaus, "Political Economy of Somaliland" (2014); World Bank, "Doing Business in Hargeisa" (Washington DC: World Bank, 2012); Markus Hoehne, "Limits of Hybrid Political Orders: The Case of Somaliland," *Journal of Eastern African Studies* 7(2) (2013): 199-217; Nasir Ali, "Somaliland: Curbing Corruption and the Quest for Effective Governance," Asian Journal of Humanities and Social Sciences 2. 1 (Feb 2014) pp. 54-65; "Somaliland: Opposition Hopes for Peaceful Resolution to the Crisis in Awdal," Somaliland Informer (17 December 2014) http://www.somalilandinformer.com/somaliland-opposition-hopes-for-peaceful-resolution-to-political-crisis-in-awdal/; Abdulkarim Ali, "Somaliland: The New Sick Man of the Horn of Africa," *Somaliland Informer* (17 December 2014) http://www.somalilandinformer.com/somaliland-the-new-sick-man-of-the-horn-of-africa/; Barkhad Dahir, "Somaliland Journalists, Human Rights Groups Oppose New Media Rules," *Sabiaonline* (12 November 2014) http://sabahionline.com/en_GB/articles/hoa/articles/features/2014/11/12/feature-01; and Ahmed Egal, "Keeping it in the Clan: Somaliland's Tribal Turn under Silanyo," *Think Africa Press* (12 August 2013) http://thinkafricapress.com/somalia/keeping-clan-somaliland-silanyo-tribal-turn-kulmiye.

4.4.3 OIL EXPLORATION AND THE "RESOURCE CURSE" QUESTION

A third potential conflict driver is oil exploration, which began – and within nine months was suspended – in 2013 in the Saraar Valley, Aynabo district, in the eastern portion of Somaliland.[266] Hydrocarbon licensing and exploration has garnered considerable attention over the past two years as a conflict driver for the entire county, not just the SSC area.[267] Unlike northern Kenya, where observers are expressing mix of concern about the potential for oil to trigger conflict and hope that oil revenues and infrastructure will catalyse development, the conventional wisdom dictates that oil exploration and extraction in Somalia and Somaliland pose a serious threat to the country's fragile peace. In a May 2014 memo to the UN Security Council, the UN Monitoring Group sounded the alarm, warning that "urgent attention must be given to this issue to avoid commercial activity triggering conflict further down the road."[268] It reinforced this message in its July 2013 report, arguing that oil exploration is "exacerbating clan divisions and therefore threatens peace and security," concluding that oil companies should cease and desist negotiations with Somali authorities."[269]

In the disputed territories of northern Somalia, the principal concern is that multiple political authorities – Somaliland, Puntland, Khatumo state and the SFG – claim sole rights to control oil concession licenses. Further, these competing claims constitute a high-stakes showdown over sovereignty, federal rights and control over oil revenues. These polities have issued or are issuing licenses to oil companies for the same blocks, producing double sale of exploration rights, a host of legal entanglements and mounting political tensions between rival polities.[270] Licenses to explore for oil on the same blocks were also issued to major oil firms by the old Barre government, back to the 1980s, adding another layer of legal complexity.

The SSC area has long been known to have potential for oil and natural gas extraction, but until recently no actual exploration has taken place, mainly due to reluctance on the part of energy companies to invest in a legally ambiguous and contested environment. This has changed thanks to rising oil prices and the growth in the number of small companies (known as "wildcatters," "minnows" or "mid caps") which are willing to risk working in "political frontiers" where the large oil firms or majors are not willing to go.[271]

Three oil firms have secured concessions with the Somaliland government: Genel Energy Plc (UK-Turkey), RAC Gass LLC (Dubai) and DNO International OSA (Norway). A fourth, unnamed firm may have signed an accord as well.[272] Genel Energy, an Anglo-Turkish company specialising in oil and natural gas exploration and extraction in high risk zones, signed a production sharing accord in 2012 with the Somaliland government, acquiring exploration licenses for two blocks, one east of Hargeisa along the Ethiopia border, the other in the central-eastern portion of the country in territory that includes areas under dispute with Puntland and Khatumo state.[273] The company announced that it will spend as much as US$40 million on exploration activities.[274] Genel brought in a foreign risk mitigation and logistics firm, the Olive Group, to assist with security assessments.[275]

Genel carried out seismic surveys and was initiating exploratory drilling when it suspended operations in September 2013, citing security threats. The firm subsequently announced its intent to resume exploration, but that has been

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[266] Preliminary oil exploration activities were apparently and then suspended by Sterling Energy in Odweyne block as well, until an Oil Protection Unit is established. "Elite OPU to Secure Oil Exploration and Drilling Activities," *Somaliland Sun* (19 July 2014) http://somalilandsun.com/index.php/economic/6137-somaliland-elite-opu-to-secure-oil-exploration-and-drilling-activities-.

[267] See for instance Manson (2013); Dominic Balthasar, "Oil in Somalia: Adding Fuel to the Fire? (Mogadishu: HIPS, 2014) http://www.heritageinstitute.org/wp-content/uploads/2014/06/HIPS-Oil_in_Somalia-ENGLISH.pdf; Rachel Williamson, "Briefing: Somaliland, Oil, and Insecurity," IRIN (7 August 2014) http://www.irinnews.org/report/100460/briefing-somaliland-oil-and-security; Michael Walls and Steve Kibble, "Somalia: Oil and (in)Security," *Review of African Political Economy* vol. 39, no. 133, (September 2012), pp, 525-535; UN Monitoring Group on Somalia and Eritrea, "Report of the Monitoring Group on Somalia and Eritrea Pursuant to Security Council Resolution 2060 (2012) (New York: United Nations, 12 July 2013); Adam Smith International. "Needs Assessment for the Development of Somalia's Extractive Industries," (April 2014); Menkhaus, "Somalia: Conflict Analysis" (Mogadishu: UNSOM, February 2014), pp. 7-8.

[268] Quoted in Ilya Gridneff, "UN Says Oil Search in Northern Somalia Risks Stoking Tension," *Bloomberg News* (14 June 2014) http://www.bloomberg.com/news/2014-06-09/un-says-oil-search-in-northern-somalia-risks-stoking-tensions.html.

[269] UN Monitoring Group (2013), p23.

[270] "Oil in Somaliland: The Black Stuff Can be Very Useful," *Economist* (13 March 2014) http://www.economist.com/blogs/baobab/2014/03/oil-somaliland.

[271] Justin Scheck, "Former BP Chief's New Quest: Wildcatting on the Edge of Danger," *Wall Street Journal* (11 November 2013) http://www.wsj.com/news/articles/SB10001424052702303615304579157593033516258?mod=fox_australian&mg=reno64-wsj&url=http%3A%2F%2Fonline.wsj.com%2Farticle%2FSB10001424052702303615304579157593033516258.html%3Fmod%3Dfox_australian.

[272] Harvey B, "Somaliland to Sign an Accord with Fourth Company on Oil Exploration," *Bloomberg News* (Nov. 24 2013) http://www.bloomberg.com/news/2013-11-24/somaliland-to-sign-accord-with-fourth-company-on-oil-exploration.html.

[273] Subsequently Genel acquired interests in three additional blocks. See Economist Intelligence Unit, "Economic Challenges in Somaliland," (5 Feb 2014) http://country.eiu.com/article.aspx?articleid=1721505156&Country=Somalia&topic=Economy&subtopic= Forecast&subsubtopic =Economic+growth&u =1&pid=2012484785&oid=2012484785&uid=1 ; and Velda Addison, "E&P Activity Slows in Somalia Area," Hart Energy (20 June 2014) http://www.wardheernews.com/ep-activity-slows-somalia-area/.

[274] Balthasar (2014), p3.

[275] The Olive Group's website can be found at http://www.olivegroup.com/

delayed until additional security measures – an Oil Protection Unit – have been put in place.

Oil exploration and eventual extraction in Somaliland have the potential to generate badly needed revenues for the government and to catalyse development in the impoverished country. But they also have the potential to generate several different types of problems. These risks are well-established in the general literature on extractive industries and the "resource curse." They include: exacerbating corruption; undermining democracy; triggering war; prolonging war; inciting secessionism; fuelling local grievances over impact and jobs; sparking conflicts between central and local government over revenue allocation; tempting neighbouring state intervention; and prompting repressive government security measures at oil sites that provoke local populations.

Despite its impressive resilience to conflict pressures, evidence suggests that Somaliland appears susceptible to many of the known oil related conflict drivers, a finding also reached by other analyses. "All standard links between resources and conflict exist in the Somali region," concludes one recent assessment.[276] The July 2013 UN Monitoring Group report reached the same conclusion, arguing that growing interest in Somalia's hydrocarbons poses "a number of conflicts of interest that could constitute threats to peace and security as well as exacerbate the risks of corruption," and calling on oil companies to "cease and desist" from negotiating with Somali authorities or risk fuelling political and clan conflict.[277]

Genel's initial experience as it began exploration activities in the Aynabo area in 2013 offers valuable insights into some of these conflict dynamics, precisely clarifying some of Somaliland's vulnerabilities to oil-related conflicts. The details of the security incidents and threats that led Genel to suspend operations in September 2013 are disputed, so this evidence must be treated with caution. Still, several important lessons can be drawn from the first attempt to engage in oil exploration in Somaliland.

Genel arrived in the Saraar Valley with almost no direct consultation with local communities, having assumed the government had done that work. Neglecting grassroots relationships in early stages of its work turned out to be an error, argues Rachel Williamson.[278] Local leaders interviewed in the area claim they had been visited by government officials, who informed them about the project, but thereafter the government divulged little. Even after meetings were eventually secured with Genel officials and then with President Silanyo himself, no follow-up occurred, giving local communities the sense they were being stonewalled.[279]

Concern about lack of government transparency and communication about oil exploration quickly fuelled suspicions locally, in the diaspora and in parliament. This problem persisted over the course of 2013 and created an environment of distrust and led to an explosion of rumours and conspiracy theories. This was an avoidable set of early actions by the government.

The most salient issue that prompted local mobilisation and eventually protests and threats, was the allocation of jobs and contracts associated with the oil exploration work. Local expectations were high that jobs and contracts would be awarded to local clans (especially the Reer Yoonis and Omar sub-clans of the Habar Jaclo clan or the Isaaq clan-family),[280] and a "rush" of local residents applied for jobs. Instead, almost all employment and contracts went to individuals from Burao or Hargeisa, leading to deep unhappiness among the Aynabo population. Whether this was a result of merit-based hiring (with most skilled job-seekers residing in the distant cities) or corruption and clan favouritism, or a combination of both, is impossible to say. But the local perception is that this was an example of urban-based constituencies dominating resource allocation. In an interview on the subject of job allocation, MP Ibrahim Reigal, who comes from the local community "spoke darkly of how the coveted jobs were handed to people with ties to powerful political players."[281]

Diaspora from the Aynabo area ended up taking the lead in informing – and mobilising – the local community to insist on information, rights and access to jobs.[282] The mainly US-based diaspora figures helped set up a 21-person committee of Aynabo clan leaders as a contact group to negotiate with Genel. They had a single meeting with Genel officials in April, during which they first expressed concerns over everything from environmental impact to

[276] Adam Smith International. "Needs Assessment for the Development of Somalia's Extractive Industries," (April 2014), p20.

[277] UN Monitoring Group on Somalia and Eritrea, "Report of the Monitoring Group on Somalia and Eritrea Pursuant to Security Council Resolution 2060 (2012) (New York: United Nations, 12 July 2013), p. 23.

[278] Williamson R, "High Hopes and Dirty Deals," *Beacon Reader* (27 July 2014). https://www.beaconreader.com/rachel-williamson/high-hopes-and-dirty-deals?ref=profile

[279] Ibid.

[280] Somali lineage identities beneath the sub-clan level can be fluid, complex, and locally disputed, so outsiders must treat this with appropriate care. For one example of a Somali attempt to map sub-sub clan identities within the Habar Jaclo clan, see http://qabaayil.webs.com/habarjeclo.htm.

[281] Williamson (2014).

[282] Ibid.

legality of the contracts signed with the government and then presented Genel officials with an expansive list of demands. According to Williamson, the committee requested, "3% of revenues from petroleum production; 10% of environmental rehabilitation spending to go towards social development and infrastructure; Genel Energy to guarantee losses to property and life caused during the course of their work; the company to have an Ainabo office as a point of contact with elders. . . and controversially - they asked for 80% of all subcontracts, all unskilled jobs and all security jobs to go to people in the Ainabo/Saraar region."[283]

A lack of follow-up on these demands from either Genel or the government raised tensions further. The diaspora took the lead role, meeting with President Silanyo in Washington, D.C. and then issuing on open letter to Genel's Corporate Executive Officer.[284] Local protests spread to other sub-clans in Saraar valley. A heavy-handed government reaction served as the tipping point. Interior Minister Mohammed Waran'ade followed up a meeting with local leaders with a statement in the press that the government would no longer tolerate disruption of oil exploration. That threat prompted locals to arm and mobilise.

Multiple minor security incidents ensued, including some that were unrelated to the oil exploration and others that were intentional attacks orchestrated by village leaders.[285] The final set of incidents that led Genel to suspend operation due to "deteriorating security" are a matter of dispute, but the basic storyline of one key factor is confirmed. At the village of Sanyara, Olive Group arrived to engage in mine clearance and were confronted by armed villagers who made it clear they were not welcome.[286] Whether that incident involved a show of force or actual shots fired is in dispute.

Other factors, including threats from Al Shabaab and a spike in major Al Shabaab terrorist attacks in Mogadishu (and travel warnings issued by the UK government), may also have contributed to the decision by Genel.

Interviews with communities in the Aynabo area provide additional insights into local grievances and the transformation of what should have been manageable tensions into armed confrontation. Pastoralists, for example, worried about environmental damage caused by oil exploration, especially tree clearance.[287] One pastoral village was sufficiently concerned about that this that they insisted they would reject oil exploration regardless of jobs or other enticements offered by the state or Genel.[289] This stood in sharp contrast to the prevailing position that oil exploration is welcome but only if local communities derive tangible benefits.[290]

Interviews also revealed that rural dwellers were adamantly opposed to the arrival of an Oil Protection Unit staffed by outside Somalilanders and suggested they would resist any attempts to introduce an OPU into their areas. If these interviews are an accurate gauge of public sentiment, it suggests that deployment of an OPU could constitute a dangerous conflict trigger (discussed below). Urban dwellers were, however, more likely to accept the idea of the OPU. Finally, interviewees in one location confided that diaspora members sent money to community leaders to encourage them to mobilise to prevent oil exploration.

The Genel story provides a number of insights into oil and conflict in eastern Somaliland. First, it serves as a reminder that allocation of jobs and contracts are central concerns to local communities and if distribution of those jobs is not perceived locally as "fair" trouble will ensue, typically in the form of security threats to the operation. The challenge is in weighing what constitutes fair allocation in a context of extremely limited local human resource development. Oil firms can hire locally for unskilled jobs, but the higher-paying skilled positions are likely to go to "outsiders" – urban dwellers, Somalis from other clans and foreigners.

Second, routinised communication and engagement with local communities by both the government and oil firms is essential to prevent misunderstanding and the spread of dangerous rumours. What is striking about the Genel case is how poorly the government and the oil firm did on this score and how avoidable the problems associated with miscommunication were. This should have been the task of the government, but oil firms working in weak states should know that they must negotiate with multiple layers of state and non-state authorities. The current Somaliland government's penchant for secret transactions and lack of transparency is at the heart of this problem and will continue to produce political and possible security issues relate to oil if not reversed.

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[283] Ibid.

[284] Ibid.

[285] Danish Demining Group, "Preliminary Findings" (2014), p2.

[286] Williamson (2014).

[287] Danish Demining Group (2014) p1.

[288] Ibid p2.

[289] Ibid p3.

[290] Ibid.

Third, on matters of oil exploration and concessions, trust levels between the Somaliland government and Somaliland society are very low. This stands in stark contrast to Somaliland's reputation for having a strong social compact. The distrust exhibited by communities in Aynabo toward the government is a worrisome reflection of a wider political malaise in Somaliland that is occurring at precisely the moment when the country most needs a strong social compact. If not handled through open, transparent, and institutionalised economic governance, the revenues from oil extraction could produce disputes and unrest that could unravel Somaliland from within. In this sense, the Genel incidents in Aynabo serve as an invaluable early warning mechanism to the Somaliland government and its external supporters. Getting the economic governance mechanisms on oil right is not a luxury – it is essential for keeping the peace.

Fourth, the Aynabo incidents shed light on the ambiguous role of the diaspora in peace and conflict in the areas under study. Available evidence clearly points to the fact that US-based diaspora members from the local clans in south Togdheer were instrumental in mobilising the community to demand consultation and concessions on oil exploration. But their motives for doing so are murky. Were they looking out for the common good of their clans? Were they using the Saraar valley oil exploration to try to force greater transparency in the Somaliland government? Were they unhappy because they failed to win contracts and were inciting local communities in order to force the government and Genel to award contracts to "local" firms that they would control and profit from? Or were they using locals to play out political animosities against President Silanyo and his government? All of these claims have been made. Whatever mixed motives animate diaspora involvement in local politics, it is clear that conflict dynamics in northern Somalia consistently involve extensive diaspora intervention and that diaspora interests may or may not align with the local communities whom they claim to represent. In the case of Aynabo, the fact that local demands included 80% of subcontracts going to the local community raises suspicions that diaspora business interests were driving part of this showdown.[291]

Fifth, statements made by interviewees that local elders have been sent money from the diaspora to block oil exploration and offered paid positions by Genel to mediate relations with the local community[292] serve as a reminder that weak local authorities can and sometimes are bought off by more powerful external interests. We cannot, therefore, assume that local elders are always acting in the interest of their own communities.

Sixth, the environmental impact of oil exploration emerges as a legitimate conflict driver that is left unaddressed. This is often perceived as more of an external priority, but it is of genuine concern among pastoralists.

Seventh, government reactions to local protests that involve a heavy-handed security approach risk enflaming armed resistance rather than resolving it. The Somaliland government's policy statement that it will "no longer tolerate" opposition to oil exploration, combined with its plans to deploy the OPU to exploration sites, sent the message that the government is seeking to impose its will via a military/security approach, rather than seeking a political solution through negotiation. That prompted quick local mobilisation to arms, a reaction that dramatically increases prospects for armed confrontation and insurgency.

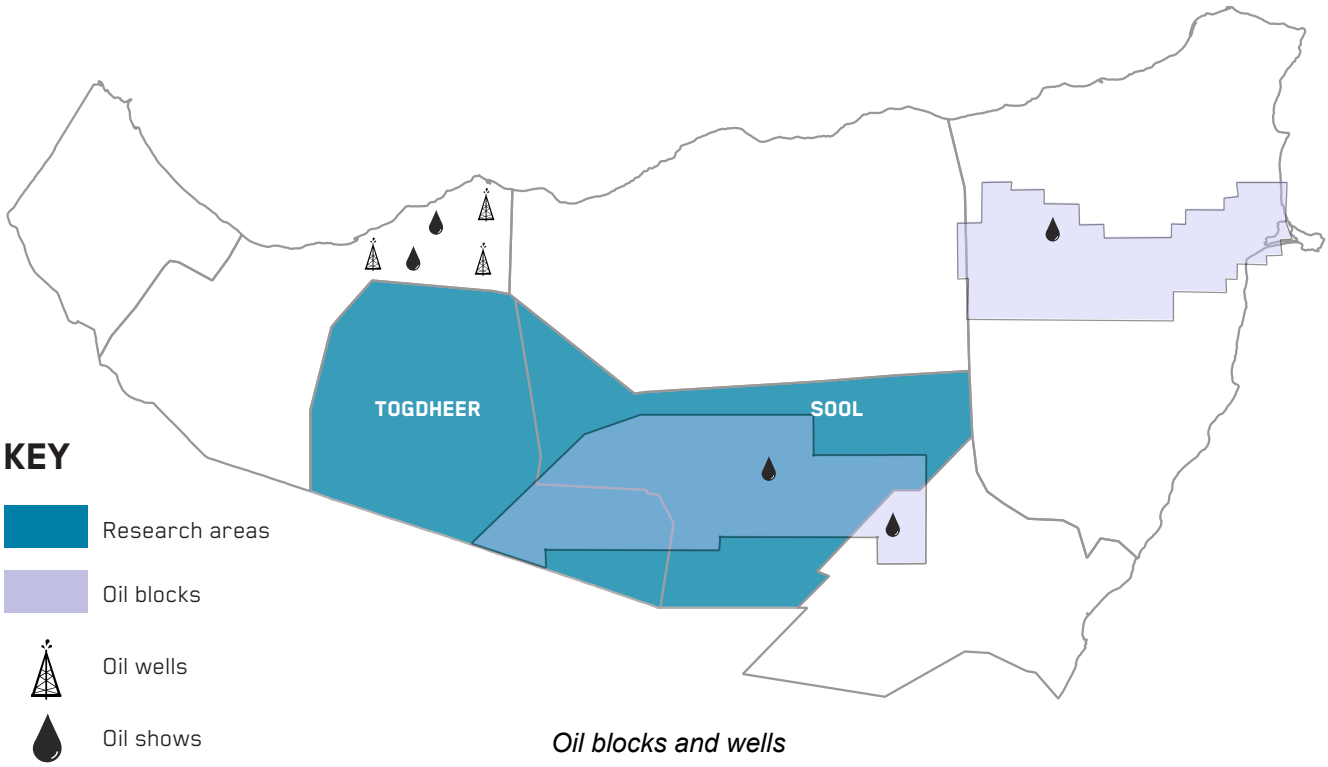
Finally, the Aynabo conflict is a reminder that oil exploration can be conflict producing even in the absence of territorial disputes. Most concerns expressed about the potential for oil exploration in Somaliland to incite conflict focuses on the Somaliland/Puntland/Khatumo/SFG tensions and as discussed below, those are legitimate worries. But the Aynabo case demonstrates that very local concerns over jobs and impact are just as likely to spark conflict. For Somaliland, the only scenario worse than prolonged armed conflict over the disputed territories of SSC would be clan versus government clashes over oil within Isaaq-inhabited territory.

Oil exploration's potential to trigger armed conflict will increase exponentially if and when it is attempted inside Dolbahante territory, especially in areas where Khatumo state militias are active. There, the issue will not be about jobs, contracts, consultation, or impact. It will be about the right of the Somaliland government to allow oil firms to which it has awarded blocks to engage in exploration in the disputed territories. Oil exploration sites will have to operate in a hostile environment, will be major targets of attacks and will have to be heavily guarded by the OPU. Khatumo, Puntland, the SFG and Al Shabaab will all look to disrupt the sites. Several dangerous scenarios are possible. One would be a proxy war, with Khatumo (Dolbahante) militias attracting financial and logistics support and possibly even fighters, from the SFG. To date, political and militia actors in south Somalia have been too internally preoccupied, too divided and too distant to pose any direct threat to Somaliland. But the issue of oil

[291] If true, this would follow a long pattern of Somali diaspora meddling in local negotiations in order to advance their own economic interests. This has even occurred in piracy ransom negotiations, delaying release of captives by many months. See Jeff Gettleman, "Taken by Pirates" *New York Times* (5 October 2011) http://www.nytimes.com/2011/10/09/magazine/taken-by-pirates.html?pagewanted=all.

[292] Danish Demining Group (2014) p2.

exploration in SSC has the potential to draw money and militia up to the north, not just with the aim of preventing Somaliland from extracting the oil, but to use the Khamtumo insurgency as a means of destabilising and possibly bringing down Somaliland itself. A second scenario is the possibility that Al Shabaab would inject itself into the fight, tactically allying with elements with the Dolbahante in an alliance of expedience. Though the G9 leadership of Khatumo are not in any way associated with Al Shabaab and have every reason to maintain a distance from the group, tactical collusion with the group would not be unprecedented.[293] Al Shabaab has long made clear that it will attack any foreign oil operations in Somalia, with a warning posted on its social media and website that "Somalia oil carries death".[294]



Oil blocks and wells

Government reliance on the OPU in the SSC setting will be both inevitable and problematic. As a recent study concluded, reliance on physical force rather than consent to extract oil carries real risks of worsening armed resistance:

> *"In some instances, governments take exceptionally harsh measures against insurgencies, because they appeared to threaten the government's control of resource wealth. Multinational companies who operate in politically unstable regions may seek security for their operations by engaging local military or militia. However, despite their ostensible role as protectors of a resource, the presence of security forces may actually contribute to the risk of conflict, or lead to human rights abuses."* [295]

This is a very real concern with the OPU.

Finally, much of the conflict over the oil exploration in SSC and elsewhere in Somaliland is likely to play out in courts rather than in armed confrontations, as governments and oil companies with competing claims seek to block one another from accessing the oil. This part of the struggle over oil is expected to last for years. Divergence between the 2008 petroleum law — which is invoked by Federal Government petroleum officials — and Somalia's Constitution is one of the key complicating factors in legal rights to the oil sites.

[293] In the south, the SFG colluded with Al-Shabaab in 2013 in common cause against the Ras Kamboni militia over control of Kismayo.

[294] "Somalia Insurgency Threatens Oil Drilling," *IOL News* (1 March 2012) http://www.iol.co.za/news/africa/somali-insurgency-threatens-oil-drilling-1.1246652#.VJW-4dycBg.

[295] Adman Smith International (2014) p21.

4.5 ACTORS

Local political leaders. Whether members of the Isaaq or Dolbahante clans, local political leaders in the area under study share a common distrust of external state actors (Somaliland, Puntland and SFG) and are disinclined to accept their leadership or their assurances. Dolbahante political elites have adapted to their area's status as a "periphery that matters" by pragmatically playing external political suitors off one another to maximise their own leverage in winning political posts, but this is a game that has yielded no tangible benefits to their home constituency and has in consequence embittered local populations towards the political entrepreneurs in their midst. The recent shift toward support of a Khatumo state is likely to involve the same political expediency – if affiliation with Khatumo does not yield tangible benefits, political figures are likely to look for alternatives. The local leadership in the Isaaq-inhabited areas has demonstrated an unwillingness to accept that the Somaliland government has the right to negotiate on the leadership's behalf, a sharp preoccupation (reflecting the needs of their constituents) with maximising jobs and benefits to the local community, a belief that the territory where oil exploration is occurring belongs to the clan and not the state and a willingness to be influenced by diaspora lobbying.

Diaspora. The diaspora from both the local Isaaq and Dolbahante communities have played an outsized role in matters of peace and conflict, both for better and for worse. A case can be made that the diaspora leadership – composed of educated, often wealthy individuals – has attempted to protect and empower their local kinsmen in the face of attempts by distant governments to exploit them. An alternative case can also be made that the diaspora elite is using local communities to mobilise for armed clashes in order to advance the political and economic interests of those elites. These two very different narratives about the diaspora – one heroic, one exploitative – flow freely on websites and in local discourse. What is not in question is the influence well-placed diaspora members can have on local politics and conflict dynamics. In the case of the Dolbahante and Khatumo, almost all of the top political leadership (the so-called 'G9') consists of wealthy diaspora members. More broadly, political leadership in both Somaliland and Puntland are also dominated by diaspora figures. Almost all of the presidents of both Somaliland and Puntland have held dual citizenship in the UK, Canada, Australia and elsewhere. Most of the top ministers in the two polities' cabinets have also been diaspora members.

Somaliland government. The current Somaliland government of President Ahmed Mahamoud Silanyo has approached negotiations with oil exploration firms as a matter involving only a small circle of government officials with minimal levels of transparency, public engagement and legislative oversight. This approach occurs in a wider context of weak economic governance, low levels of institutionalisation, closed decision-making among a small circle of the President's advisors and allegations of corruption. Whether true or not, public perceptions of the current government are that it is serving only the interests of a small circle of individuals from the President's sub-clan.[296] Not surprisingly, all this has fuelled public distrust of oil concessions and reduced the government's ability to play the role of honest broker or protector of the public interest in oil exploration areas. Local community members interviewed in Aynabo, and their kinsmen in the diaspora, were in consequence very suspicious of oil exploration and were unwilling to accept that the government has the right to negotiate or speak on their behalf.[297]

This is especially interesting in light of the fact that the President was born and raised near Aynabo and shares the same clan as local populations. It serves as a reminder that centre-periphery divisions in Somaliland can matter as much or more than clan.

The government's minimal engagement with local communities prior to the arrival or oil exploration activities was more evidence that it has not prioritised local engagement on oil exploration.[298] Since suspension of Genel exploration in September 2013, the government has been willing to meet with local leaders to hear their grievances but has not indicated willingness to improve transparency on oil exploration negotiations nor openness to any revenue sharing arrangements between the central government and local communities at the site of oil extraction. The government leadership seems principally focused on fast-tracking oil exploration and production with minimal oversight and community engagement. Given the country's struggles with corruption, the motive of securing and diverting funds related to oil exploration while still in office may also be a driving force behind government decisions. Somaliland's democracy has been built around an implicit assumption that executive power will rotate to new clans every four to eight years, which risks provoking short-term rent-seeking behaviour on the part of

[296] Author's field interviews, Hargeisa, June 2014.

[297] Williamson R, "High Hopes and Dirty Deals," *Beacon Reader* (27 July 2014).

[298] Ibid.

outgoing leaders and their core supporters.

The Somaliland government's approach to both the Khatumo crisis and the security issues in Aynabo has been to view them through a military/security, rather than a political, lens. The result has been a policy in Sool region that is founded on military occupation and control of key towns, including Las Anod and a policy in Aynabo that will be based around the provision of security to the oil exploration firm through a special OPU (discussed below).

Somaliland is scheduled for presidential and parliamentary elections in June 2015, which could usher in new leadership and new approaches to security threats in eastern Somaliland and economic governance over oil dealings.

Puntland. For Puntland, its claim on SSC territory is not an existential issue, as Puntland can exist with or without Khatumo state. That fact has led some Puntland authorities to be flexible about the prospect of accepting the separate Khatumo state. From a political standpoint, what is more important to Puntland is continued contestation of Somaliland's secessionist bid and Khatumo state effectively undermines that claim. But from a political economy perspective, Puntland leaders are loathe to relinquish claims on prospective oil in Sool region and for that reason alone, they may continue to resist the idea of Khatumo state. In any scenario in which Somaliland gets an upper hand in the SSC area, Puntland can be expected to play the role of spoiler, seeking out local proxies to engage in armed resistance.

Somali Federal Government (SFG). The SFG has a very powerful interest in negating Somaliland claims to the territory, but has been internally divided over whether it prefers to see the SSC territory to fall under Puntland's control or to see it establish itself as the separate federal state of Khatumo. The SFG's relations with Puntland go through sizable swings and during periods where it wishes to hurt Puntland, it will gravitate toward recognising Khatumo. But it must take care not to so alienate Puntland that it disengages from the federal state, which it has done in the past when angered. The recent appointment of a senior Majerteen politician, Omar Abdirashid Ali Sharmarke, as the new SFG Prime Minister, is likely to mean that the SFG will avoid recognition of Khatumo as a separate federal state.

Ethiopia. Ethiopia is the strongest state actor in the area and has vital interests in eastern Somaliland. It is allied with both Somaliland and Puntland and so has no desire to see the dispute over SSC create armed clashes between the two. It also has a strong interest in ensuring that SSC does not become a base of operation for Al Shabaab or the ONLF. Though not opposed at all to the formation of Somali ethno-federal states, Ethiopia has been cautious on Khatumo state because of a desire to maintain good relations with Somaliland and Puntland. It also has reasons to be suspicious of the current Khatumo state leadership, including President Ali Khalif Galaydh, whose strong pro-nationalist sentiments and old links to the TNG are seen as hostile to Ethiopia. Ethiopia's decision in late 2014 to declare Galaydh persona non grata and force him to leave Ethiopia earlier this year was the strongest indication of the country's dissatisfaction with Khatumo state leadership.

Oil firms. Only one firm – Genel – has been active in exploration activity in Somaliland. If and when it resumes activities, it will immediately become a very consequential player in south Togdheer/Sool region. The firm has a history in exploring for oil in another complex political, security and legal environment – Kurdistan – and so is no stranger to the challenges of working in "political frontiers." It did not, however, avoid initial missteps in Somaliland. Specifically, it assumed that its agreements with the government of Somaliland constituted the only negotiation it needed to hold and that the task of engaging with local authorities in exploration sites would be handled by the government. Genel also allowed itself to be "captured" by parochial interest in the President's inner circle, who ensured that most jobs and contracts related to the exploration work went to their own contacts, mainly in Burao. This helped precipitate some of the unrest and threats in Saraar Valley that contributed to Genel's decision to suspend operations.[299]

Since then, Genel has expressed optimism about oil prospects and a commit to recommence exploration. Delayed in the reopening of its operations are believed to be due to a desire to have an Oil Protection Unit fully functional and deployed as a precondition, though it is possible other security or political considerations are in play as well.

Genel has a reputation for risk-taking in Kurdistan and so will likely restart operations as soon as it is feasible to do so. As a "minnow" working in a legally contested and insecure environment, Genel will be seeking maximum returns on the investment in as short a period of time as possible.

Oil Protection Unit. The OPU is now being organised and trained, with support from the UK-based risk management

[299] The precise reasons for the suspension remains a matter of debate, with some pointing to local threats, others to Al Shabaab, and still others to wider political pressures placed on the firm. See Williamson (2014).

firm Assaye Risk and is expected to be ready for deployment in 2015.[300] It will consist of a 420-member force recruiting from existing security sector personnel and will cost as much as US$25 million.[301] The OPU joins a lengthy list of specialised government security forces in Somaliland, Puntland, and the SFG that have the potential to develop their own agendas and which fragment still further the security architecture across Somalia and Somaliland.[302] The UN Monitoring Group has warned that "the deployment of the OPU could play into internal and regional conflicts that appear to be brewing within Somaliland and between Somaliland and other regional authorities[303] and has voiced alarm that "regional security forces and armed groups may clash to protect and further Western-backed oil companies' interests.[304]

Precisely how the OPU could serve to enflame or reduce conflict depends in part on its composition and its behaviour. If it is composed mainly of Somalilanders from outside local areas, it risks being viewed as an occupying force laying claim to land belonging to local clans and will invite armed resistance regardless of its behaviour. The clan composition of OPU forces will be important to monitor. Its behaviour will be the other key variable – professional, disciplined behaviour, including co-operative relations with local populations, will reduce odds of armed conflict. Predatory or abusive behaviour will guarantee armed resistance.

Al Shabaab. As previously noted, Al Shabaab has declared its intent to attack oil exploration sites throughout Somalia and this would have a powerful incentive to disrupt operation inside Somaliland. The group's experience and expertise with explosives and terrorist attacks will make any oil infrastructure very vulnerable to attack. The group is also likely to target individuals who collaborate in any way with the oil companies. Most worryingly, Al Shabaab excels at exploiting local grievances, so any oil exploration that is imposed by force on local communities in Somaliland risks opening the door to Al Shabaab co-optation of that clan. This has been the group's modus operandi in southern Somalia and northern Kenya.

4.6 SOURCES OF RESILIENCE

Northern zones of the Somali-inhabited eastern Horn of Africa – Somaliland, Puntland and contested areas in between – have generally enjoyed greater resilience in the face of conflict drivers than has been the case in south-central Somalia. Though south Togdheer and Sool region have been somewhat less stable and more prone to conflict than has been the case in adjacent areas to the west and north, they have not been drawn into war economies common in south-central Somalia. Even the recent and dangerous armed clashes pitting politically defined clan militias of Khatumo state, Puntland, and Somaliland have been relatively constrained.

Several factors help reinforce this resilience.

***Xeer* and long-standing inter-clan relations**. The clans of eastern Somaliland have lived along-side one another for many generations and have long-standing relations enshrined in inter-marriage and customary law, or xeer, between them. In contrast to the turbulent south of Somalia this is not a region that has experienced dramatic new migrations and arrivals of armed newcomers.[305] The long-established ties between eastern Somaliland communities and their elders does not prevent them from engaging in communal clashes, but it does arm them with strong capacity to regulate and mediate that conflict when it does arise.

Elders. As with most of the north of Somalia, clan elders in the south Togdheer/Sool region have more intact authority and are somewhat better able to negotiate and enforce customary law than is the case to the south.

Pastoral pragmatism. Despite some degree of urban drift, this is still one of the most intensely pastoral zones of the eastern Horn. Pastoralists have a reputation for fighting, but they also have a well-established political culture of negotiation and pragmatism, a survival tactic in a harsh environment. This can help to limit the scale of armed conflict and open doors for negotiated settlement of disputes.

Economic interests in peace. Neighbouring clans in eastern Somaliland all share a common interest in ensuring access to the Haud pastureland for pastoral migration, and unhindered commercial traffic through the area to

[300] Gridneff (2014).

[301] Ibid.

[302] Balthasar (2014).

[303] Quoted in Gridneff (2014).

[304] Quoted in "Troubled Somalia Hustles Big Oil to Resume Exploration," *UPI* (16 October 2013) http://www.upi.com/Business_News/Energy-Resources/2013/10/16/Troubled-Somalia-hustles-Big-Oil-to-resume-exploration/31691381942688/.

[305] Bradbury (2008) p91.

[306] Ibid.

Burao or Berbera.[306] This provides business incentives to maintain peace. The paucity of local resources has also largely precluded the rise of a war economy and armed spoilers that rendered conflict so intractable in parts of south-central Somalia.

4.7 DYNAMICS

The south Togdheer/Sool area is a zone of intractable conflict. Competing political claims over the territory by Somaliland, Puntland, Khatumo state and the SFG are non-negotiable and offer virtually no opportunities for compromise on a scale that would resolve the conflict. No side has the capacity to enforce an outcome. Three of the four protagonists in this dispute have militarised the conflict, greatly increasing the risks of repeated and large-scale clashes. A fourth actor, the SFG, will be tempted to engage in proxy war there, while Al Shabaab will almost certainly seek to exploit local grievances to gain a foothold in the area and attack oil sites. Active oil exploration dramatically raises the stakes over control of disputed territories in eastern Somaliland and increases the number of opportunistic players, including diaspora figures, looking to lay a claim to oil-related revenues. Somaliland government behaviour – secretive oil deals, clannish allocation of power and resources, and low levels of transparency – has eroded public trust in the government's ability to exercise stewardship over oil revenues and has damaged the social compact on which Somaliland has relied for so long. In all of this, it is unclear that local communities in the south Togdheer/Sool areas are being well-served by any of the polities claiming to represent them. They are being mobilised to fight for agendas that will serve the interests of external elites.

5. CONCLUSION

Both Both northern Kenya and eastern Somaliland are currently experiencing a worrisome surge in insecurity, armed clashes and communal tensions. In both cases, the uptick in violent conflict has been driven by recent changes in the wider political context, fuelled by communal distrust and grievances, exploited by rival political elites seeking to advance parochial agendas through incitement of communal violence and enflamed by prospects of substantial increases in new revenues.

Expectations of windfall revenues in local coffers have dramatically increased the stakes over control of land and power. Oil exploration and local anticipation of game-changing levels of oil revenues in the near future are not the sole cause of this new competition – in northern Kenya, county budget allocation and a range of large development projects are also injecting large amounts of resources into the political arena. But expectations of windfall revenues from oil are an important new driver of rising violent contestation of land and political power. Importantly, anticipatory behaviour on the part of local and national actors is likely to increase tensions and susceptibility to armed violence even if the actual windfall from oil or major development projects does not materialise.

Most indicators suggest that armed conflict is likely to increase significantly in both eastern Somaliland and northern Kenya in coming years. If and when oil extraction begins, it will intensify these potential conflicts by raising the stakes over control of land and politics still further. While eastern Somaliland and northern Kenya have for the past twenty years been areas of relative security set against the high levels of armed conflict and instability in neighbouring south-central Somalia, current trends could produce a situation in which these two areas become as conflict-prone as their troubled neighbour.

Both regions are vulnerable to new conflict drivers that place added stress on government institutions and rule of law. This is in part due to the fact that political authority and the basic "rules of the game" in local and national governments of Somaliland and northern Kenya are contested and poorly institutionalised, weakening the capacity of governments to manage peacefully conflicts arising from new resources and revenues. At the same time, local capacities for peace, so effective in the past, risk being overwhelmed by the scale of new conflict issues that they were not built to address.

Old and new causes of conflict in both locations are numerous and together they are especially dangerous. The combination of state fragility, injection of new revenues and resources, contested claims on land and power, corruption and the reduction of politics to clan or tribal group mobilisation over control of resources makes for a volatile cocktail in both eastern Somaliland and northern Kenya. Both areas are in consequence more vulnerable to armed violence than they were in past years and as a result are exposed to the destabilising influences of oil exploration and extraction.

An additional new strain on local peace and security is the escalation of terrorist attacks by Al Shabaab in areas outside of southern Somalia. To date, northern Kenya has felt the brunt of this political violence, which has mainly targeted non-Muslim civilian populations in massacres intended to provoke wider sectarian polarisation and violence. But Al Shabaab's reach and ambitions extend into Somaliland and the wider region.

In sum, in the near future, oil exploration and initial extraction operations will pose a significant and mounting risk of armed conflict and political violence in both eastern Somaliland and in northern Kenya. In both cases, oil risks becoming a "resource curse" unless stronger social compacts on land and resources are brokered between communities; greater levels of trust are built between peripheral communities and the state; and more robust political regimes governing resource allocation and accountability are forged. These should be top priority conflict prevention objectives for local and national government, civil society and external donors.

While eastern Somaliland and northern Kenya share these common conflict trends, they are also quite distinct and hence merit an inventory of separate findings.

6.1 MAIN FINDINGS: NORTHERN KENYA

Conflict trends are worsening. After a hopeful period of declining conflict from 2006-2012, this report demonstrates that violent conflict is increasing in Northern Kenya and evidence suggests that this trend is likely to worsen in the future. At present, four of the five counties under investigation – Marsabit, Mandera, Wajir and Garissa –

have experienced a spike in instability and armed violence over the past two years. At the same time, potentially "game-changing" new resources – including large new county budgets from the central state, massive proposed development projects and the prospect of hydrocarbon extraction – are dramatically increasing the stakes over control of land and political power. This prospect of windfall revenues injected into nascent and contested local governance systems is a recipe for greater susceptibility to instability, political violence and communal clashes.

Resilience is under strain. Structural causes of conflict across northern Kenya – including communal tensions over access to scarce rangeland and water, breakdown in rule of law and the resulting revenge killings, drought-induced pastoral migration into new land, livestock raiding, disputes over employment, contracts and business, small arms proliferation, titled land disputes and spillover of violence from neighbouring countries – continue to render the region vulnerable to armed clashes. Local "capacities for peace" have generally managed these conflict vulnerabilities in the past but are now coming under growing strain due to the new political context and new sources of resource contestation for which local conflict prevention practices are poorly equipped. Local resilience to conflict is at risk of being overwhelmed by new resource and identity conflicts.

Devolution, elections and ethnic exclusionism are combining to heighten tensions. Devolution is popular across northern Kenya and has the potential to promote more responsive and democratic government. In the short term, however, it can also create or magnify conflicts. Clans and tribes are in some instances approaching counties as zones of exclusionary or hegemonic ethnic claims on land, employment and political power, with each tribe or clan seeking to establish control over a county, or to solidify a communal claim to a portion of a county's resources. This has created an environment of high communal anxiety and fuelled a local perception that elections are "winner takes all" contests and is raising fears across the region that the next round of elections (currently slated for August 2017) will involve much more politically-engineered communal violence.

Communal bloc voting has generally reduced elections in northern Kenya to a crude and easily manipulated "ethnic census" which increases the temptation for leaders to incite conflict to prevent rival groups from voting or, in worst case scenarios, to purge counties of rival ethnic groups, often on the grounds that they are "migrants" whose home county is elsewhere.

Elections in this setting are a potential trigger of armed violence especially in locations where elite pacts over allocation of key seats of power (including both county government and parliamentary seats) have not been brokered in advance.

Introduction of new resources in a context of weak rules of the game are a dangerous stress. The substantial budgets allocated from the central government to counties and endemic problems of political corruption and lack of accountability, dramatically increase the stakes over control of county positions of power. These annual budgets, which fall between US$33 to US$81 million per county, constitute enormous sums in poor northern Kenyan communities and will remain the principal item over which political leaders and their constituencies struggle in the near future.

High value development projects planned for parts of northern Kenya – including the proposed LAPSSET pipeline and highway project, resorts, dams and expanded airports – are welcome signs of development, but they are adding further to communal pressures and anxieties. Some infrastructure projects threaten to alienate communal land; others are triggering county (and by extension, clan or tribal) disputes over county borders. All are raising fears of loss of land to local or outside speculators, a fear compounded by an ineffective and unclear land titling system and a culture of corruption regarding "land grabs" in Kenya. These planned major development projects are also raising local fears of massive in-migration from other parts of Kenya, especially into the region's numerous small urban centres. These potentially transformational changes in local economies could be destabilising in any setting. In a context of on-going political devolution, where lines of authority remain contested and uncertain, where the basic "rules of the game" of local politics have not yet been established and where social and political trust is low, the risk of political conflicts turning violent is much higher.

Oil exploration is still at an early stage in northern Kenya and so it has not yet been a major source of conflict. But this is changing rapidly, as oil exploration activities have intensified since 2013 across northern Kenya. If and when commercially viable oil is extracted and oil revenues begin to flow, disputes between local clans or tribes, county governments, oil companies and the state over revenue distribution, jobs, contracts and compensation for lost or damaged land will intensify.

Political and ethnic borders are a flashpoint. Disputed county borders are a major flashpoint for armed conflict across all of northern Kenya. County borders are in some cases being used as proxies for ethnic territorial claims. Some of these disputes are driven by recent spikes in the value of land near border areas due to LAPSSET-related

projects. Others are fuelled by oil exploration in the border area. Still others are disputes over pastoral rangeland and wells, with county governments serving as surrogates for rival clan claims. New settlements by clans meant to solidify claims over pastoral territory are a conflict trigger, as is the building of new roads linking those settlements to a county capital. This has been one of the main drivers of conflict that produced the enormous levels of internal displacement in Mandera and Wajir counties in 2014.

Spillover from Somalia poses a special danger. Portions of northern Kenya – particularly Garissa County – shoulder very large refugee populations that generate unique security challenges. The areas in and around the Dabaab refugee camps are among the most insecure zones in all of Kenya.[309] Insecurity manifests itself in chronic violent crime, including rape and kidnapping; clashes between local populations and refugees over jobs, contracts, firewood, pasture and business; and Al Shabaab terrorist violence (discussed below). A vast, idle population of young men in the camps makes for easy recruiting for armed groups. Recent efforts to promote community policing have helped but this remains a chronically insecure area of the region.

Violent extremism is rapidly expanding and could derail devolution and development. Superimposed on these old and new resource-based conflict drivers is a new ideological and grievance-based source of violent conflict, Al Shabaab/Al Hijra terrorist attacks directed against the Kenyan state and soft civilian targets. Mandera, Wajir and Garissa counties have been most affected by these attacks. Heavy-handed government response to Al Shabaab terrorism – including policies reflecting a form of ethnic profiling – has angered and alienated Somali Kenyans. Though only a small fraction of the northern Kenya population actively supports Al Shabaab, the combination of high unemployment, social frustration and anger at government policies has the potential to increase Al Shabaab networking and recruiting in northern Kenya.[310] High-value development projects planned for the region are likely to be an attractive target for Al Shabaab terrorist attacks. Non-Muslim Kenyans and foreigners working in or relocating to northern Kenya are and are likely to remain the top soft target of Al Shabaab. Al Shabaab's stated rationale for massacres in northern Kenya is that they are retaliation for Kenyan military occupation of southern Somalia (as part of the AMISOM peace operation) and government abuse of Muslims in Kenya. Most assessments of the group's operations in Kenya conclude that even with a Kenyan redeployment from southern Somalia Al Shabaab attacks will continue in Kenya, as the group is now increasingly a home-grown threat tapping local as well as regional Somali and Muslim grievances.

6.2 MAIN FINDINGS: EASTERN SOMALILAND

Puntland/Somaliland/Khatumo state conflict is a top concern. The clashes pitting Somaliland, Puntland and Khatumo state militias against one another are currently producing the greatest level of instability. This conflict is rooted in three different claims on the territory inhabited by the Dolbahante clan, with Somaliland claiming it as part of its 1960 border, Puntland claiming it as part of its federal state and Khatumo state leaders insisting that Dolbahante inhabited territory constitutes a separate federal state that forms part of Somalia. The Dolbahante clan is internally split over these affiliations and some local political figures have frequently switched sides as circumstances dictate. All three have fought one another at different times; the most dangerous combination has been direct Somaliland-Puntland encounters, which risk region-wide spillover. The build-up and mobilisation of militia creates its own insecurities typically associated with large numbers of armed men encamped near civilians for extended periods of time.

The political status of the territory under dispute leaves very little room for compromise, suggesting that this conflict will likely be protracted. Somaliland cannot concede the loss of that territory without jeopardising its claim to sovereign independence. Puntland could lose the territory and remain a functional regional state, but the prospect of losing valuable oil and minerals in the disputed territory incentivises efforts to continue to claim the land. The Dolbahante who support Khatumo state have a powerful incentive to pursue autonomy, in part because it gives them a lucrative bargaining position in national politics in Mogadishu and in part out of hopes of monopolising the oil revenues they expect the region will produce.

Elite calculations are essential in this on-going crisis. Local populations have rarely derived any tangible benefit from the Somaliland, Puntland, or Khatumo governments, yet are consistently being mobilised by competing elites to fight on their behalf. The aspirational Khatumo state is itself the product of a mainly diaspora-based, wealthy elite with national political aspirations in Mogadishu and hopes to control local oil revenues. That diaspora

[307] The five camps at Dabaab now hold 340,000 refugees, down from a peak in 2013 of 410,000. UNHCR, "Refugees in the Horn of Africa." (2014) http://data.unhcr.org/horn-of-africa/region.php?id=3&country=110

[308] Crisis Group (2014).

possesses the capacity to engage in what Somalis refer to as "remote control" warfare, inciting their clansmen to fight and providing material support to do so. When left alone by these external political actors, local populations have forged working commercial partnerships and manage inter-clan disputes over pasture and water relatively effectively.

Oil exploration is producing tensions. The Somaliland government's concessions to several companies to engage in oil exploration in portions of eastern Somaliland has raised sharp tensions with local communities and has produced security incidents that have led to temporary suspension of exploration.

The immediate grievances articulated by local populations in Saraar region (a new region created out of eastern Togdheer) were over lack of adequate consultation with local leaders; allocation of jobs and contracts to "outsiders" (Somalilanders from Burao or Hargeisa); environmental damage caused by the exploration roads; arrival of newcomers in settlements; rejection of the presence of government Special Protection Unit; and anger that no negotiations had been brokered over revenue allocation between the Somaliland government, regional administrations and local communities.

Underlying these immediate grievances were consistent expressions of distrust of and alienation from the government and a fear that whatever benefits accrued from the oil exploration would be captured by the central government. This sentiment appears to be widespread not only among the Dolbahante clan, but among Isaaq communities living in south Togdheer or Saraar region, including some lineages closely related to the clan of the President. As a source of mistrust, the gap between remote peripheral communities and the capital is at least as important as clan affiliation.

Available evidence suggests that most communities would accept oil exploration in their territory if issues such as local hiring and contracts are addressed. Not all agree, however. Some interviewees distrusted the entire enterprise of drilling for oil, arguing that the oil would disrupt livestock herding and that "you can't drink oil." Meanwhile, some political elites from local clans, including diaspora members, have been behind public mobilisation against oil exploration in an apparent bid to negotiate more revenue-sharing in their favour.

An additional source of conflict related to oil exploration in eastern Somaliland is the phenomenon of private land acquisition – land-banking – in exploration sites by local speculators whose principal aim appears to be to block exploration unless handsomely compensated. Local entrepreneurs are aware that their ability to create a security headache or delay in exploration can translate into pay-offs; each pay-off incentivises others to engage in the same tactic.

Oil exploration in Isaaq populated areas of eastern Somaliland appears less likely to produce violent conflict if proper policies are not pursued – including agreements on local employment, compensation and revenue sharing. Even if local communities embrace oil exploration, there will be risk of politically motivated security incidents, either launched by Al Shabaab, or by groups and operatives opposed to Somaliland secession.

Improved, more enlightened and more locally engaged government policies are much less likely to make a difference in Dolbahante inhabited areas. There, powerful political and economic interests among the Dolbahante elite, backed by the Somali federal government in Mogadishu, have no interests in permitting oil exploration or extraction in disputed areas and will be in a position to mobilise clan members to threaten oil exploration with security incidents designed to frighten off the exploration team. The likelihood of clashes between local militia and Special Protection Unit forces will be very high.

If oil extraction commences, pipelines will be an especially sensitive conflict issue. Clans will demand compensation for pipelines passing through their territory; pipelines that impede movement of livestock will meet with protests; and illegal tapping or "bunkering" of oil pipelines will likely produce chronic clashes with law enforcement.

Violent extremism is a latent threat. Al Shabaab maintains a network of operatives in Somaliland and has in the past two years expanded its targeting beyond south-central Somalia. It has been relatively quiet in Somaliland, but is very active in assassinations and occasional armed attacks in nearby Puntland and used Somaliland as a staging point for a major terrorist attack in Djibouti. Al Shabaab's current difficulties in south-central Somalia may preoccupy it, but the reverse may also be true – the group could relocate northward if its fortunes fade in the south. Oil exploration or extraction sites, pipelines, convoys and encampments would make for top Al Shabaab targets in Somaliland.

6. POLICY CONSIDERATIONS

This analysis concludes that northern Kenya and eastern Somaliland face potentially transformational changes in their political economies, at a time when their political institutions are not sufficiently capable of managing these impending changes. Windfall revenues from oil and other new revenue sources will place enormous strain on social and political relations in contexts where the "rules of the game" on revenue and power sharing are still a work in progress and where mistrust is high between communal groups and between state and society. In the case of oil, exploration activity itself activates a host of dangerous and unresolved conflict drivers from competing communal claims to the legitimacy of contested political borders. In sum, both regions are in greater positions of vulnerability to large-scale armed violence and both risk having what could be positive developments – new development and new sources of revenue – become a "resource curse."

But while the tensions associated with these changes are unavoidable, armed conflict is not inevitable. Thoughtful, well-informed and committed conflict prevention actions on the part of local authorities, national governments, donors, civil society and the diaspora in both eastern Somaliland and northern Kenya have the potential to neutralise new conflict drivers and turn transformational changes there into positive contributions to peace and development. With that in mind, some policy considerations are outlined below.

The contexts of northern Kenya and eastern Somaliland are sufficiently distinct that policy recommendations are best tailored to each setting.

KENYA

Recommendations for national/local governments:

- Local mechanisms for managing and preventing conflict – including the establishment of peace forums that build on the previous district peace committees – must be strengthened and given support to address new potential conflict drivers such as extractives.
- Governmental authorities at the national and county levels must be very attentive to the potential for oil exploration and major development projects to produce serious and destabilising conflict if not carefully managed and must exercise appropriate oversight of oil firms and contractors to ensure their operations are conflict sensitive.
- Transparent mechanisms for the collection and disbursement of future oil revenues are essential and should be developed now. A major national debate needs to be held on the laws that will govern allocation of hydrocarbon revenues between the central government and local jurisdictions, with legislators ideally at the forefront of developing clear, fair, locally accepted and enforceable legislation.
- Dialogue over resource allocation at the local level is essential, lest new revenues from oil and other sources trigger local conflicts. Participatory resource allocation mechanisms must be put in place before hydrocarbon windfall revenues enter local budgets.[309]
- More generally, economic governance must be strengthened at the national and county level to ensure that future oil revenues will yield development and not become a "resource curse." This should include auditing mechanisms, transparent revenue-sharing agreements and procedures and anti-corruption laws that are enforced. This goal will be advanced with a commitment to the Extractive Industry Transparency Initiative (EITI).
- The Community Land Act under consideration in Parliament must not only be passed but fairly and effectively enforced. Uncertainty over land rights and ownership is producing very high community anxiety, especially in areas where oil or development plans are sparking land-grabbing and speculation. Government intervention and self-policing to prevent land-grabbing is essential. Legislation and good practices regarding peri-urban land acquisition and titling will be especially important in fast growing urban areas.
- The government must move quickly to clarify authority over the adjudication of county border disputes and ensure that that process is impartial, so that dangerous county border disputes are resolved.

[309] Vasquez (2013: 14)

- Relations between county commissioners and county governors are critical to successful conflict management, but they are at present a source of deep tension and political paralysis in many of the counties under consideration. Efforts must be made by the central government to clarify the division of labour between the two offices and encourage routinised, functional co-operation between commissioners and governors.
- Local governments and civic leaders have a role to play in ensuring that migrants from other parts of Kenya are protected and welcomed, by reinforcing a culture of cosmopolitanism and openness in municipalities attracting migrants. They must also ensure that outside interests do not engage in illegal land-grabs of community land that risk inciting local reactions.
- Stronger social compacts are needed in both northern Kenya between local clans and tribes and between local society and the state. At present, low levels of trust of the state and of rival communities are a serious impediment to the forging of "rules of the game" over resource control and allocation. Broad-based outreach is essential, but must include an "elite compact" as well.
- Local political leaders must commit themselves to establishing positive precedents in how devolved county-based governance will take place, with respect for the rights of minority groups and fair distribution of power and resources, not a winner-take-all game.
- National and local government officials must work to foster peace in the Mandera-Wajir areas most affected by communal violence and work to ensure the return of internally displaced persons to their original homes. The alternative – county-based ethnic cleansing and permanent displacement – is a certain recipe for protracted armed conflict.
- Security laws under consideration must be applied with restraint, respect for due process, and sensitivity to local fears of ethnic profiling in order to avoid a backlash that could worsen rather than improve security. National security cannot come at the expense of local security.
- Use of private or government security forces to protect high-value oil extraction and development infrastructure and personnel must be sensitive to local perceptions, subject to basic standards of accountability and when possible, employ local community members.
- Responses to cross-border terror attacks in northern Kenya must remain compliant with the Kenyan Constitution and international human rights standards. An element of policing by consent and accountability will be the best defence against terrorism. Government policies and outreach can play a critical role in development of a greater sense of local ownership of security. Local communities must be made to feel that they are stakeholders in local and national security and development.
- A comprehensive review of Kenya's border security management arrangements should be undertaken with reference to the views of communities and local leaders in border zones, the readiness of relevant national institutions to manage border issues and the regional and international legal and policy frameworks to which Kenya is a party.

Recommendations for donor states and agencies:

- Donor states and other international partners must be willing to constructively challenge local and national government authorities if their policies and actions appear to be stoking communal tensions.
- Donor states must continue to support security and law enforcement policies that will provide accountability checks and encourage northern Kenyan populations to see themselves as stakeholders in Kenya's security.
- County-level governance suffers from inexperience and low capacity; capacity-building assistance to county-level governance will be a good investment, especially in the realm of financial management and transparency.
- Local sources of resilience to conflict are coming under enormous stress from new conflict drivers and are likely to be overwhelmed by them unless given appropriate support. Peace constituencies in each location need to be identified, engaged, informed, and asked what kinds of technical and other support they need to understand and manage these new sources of potential conflict. Women's groups, religious clerics and business networks may be especially well-placed to manage conflict.
- Elections are a major potential trigger of political and communal violence. Assistance to both areas to infuse election planning and campaigning with a conflict prevention ethos could yield major dividends.

Recommendations for local civil society:

- Negotiating return of the displaced persons in Mandera and Wajir counties to their homes, as part of broader communal reconciliation, is a top conflict prevention priority.
- Eminent regional civil society leaders should work collectively to assist in the resolution of the current communal violence and displacement in the Mandera-Wajir border area.
- Religious leaders in both the Christian and Muslim faith groups of northern Kenya have a special role in preventing sectarian violence that Al Shabaab is trying to foment with its targeted attacks on non-Muslims; inter-religious dialogues should be further enhanced and linked to national integration policies and programmes.
- Campaigns to educate and raise awareness about communities' rights and responsibilities as new developments occur in their regions are essential to combat false rumours that can fuel conflict.

Recommendations for external oil companies and other large contractors:

- Oil company managers must, as a priority, develop and maintain the capacity to understand local political context and political economy in their areas of operation and avoid being "captured" by any one community or faction.
- Oil firms working in adjacent or nearby blocks should be encouraged to obtain and share common conflict early warning and political risk assessments and, in close consultation with local and national government and civil society actors, adopt common policies related to community relations and handling of local resource disputes, to ensure fair and equal treatment in the region.
- Oil firms should expect to have to engage with multiple, sometimes competing political authorities. They cannot reach agreement with a ministry at the national level and presume that that finalises their engagement on local resource, political and security matters.
- Oil firms should establish routinised lines of communications with key local interlocutors, preferably involving cell phones.
- Oil firms should seek to learn the lessons and best practices from other oil extraction sites in the region, to reduce the incidents of repeating errors made elsewhere. In Kenya, Tullow Oil's operations in Turkana are already yielding invaluable lessons learned on local conflict.
- To date, oil firms operating in Africa have had highly variable levels of situational awareness to conflict dynamics. Engagement in oil exploration requires a conflict prevention strategy at every stage of planning and execution. Preventive measures must not be reduced to one-off local consultations or studies.
- Companies must also work to ensure that a culture of conflict sensitivity is shared across all departments in the firm. Conflict prevention must be a goal that firms "soak" into their organisations.
- Whether for oil exploration of other large development projects, early, wide and recurring consultation with local populations is essential to build understanding and trust. Many recent examples of community protests or use of force against oil exploration operations were fuelled by anger over lack of consultation. These consultations must be participatory and allow for local communities to take ownership of protocols and expectations for consultations.
- Oil companies should be encouraged to consult with national and local governments in their hiring and in awarding of contracts, so that whatever formula is used – strict meritocracy, proportional allocation along communal lines, or something in between – reflects an accord reached by all the main parties.
- Social development grants have at times been an effective tool to win local goodwill and should be explored by oil exploration firms, provided they are made in support of sustainable, inclusive and conflict sensitive development plans.

EASTERN SOMALILAND

Recommendations for national/local governments:

- Somaliland's exploration of decentralisation policies is both advisable and essential if oil revenues are to be allocated between central and local administrations. However, the government must pass legislation

that clarifies the allocation of mineral and hydrocarbon revenues between central government and local government. The allocation formula must enjoy broad-based acceptance and be the result of consensus-based decision-making for which Somaliland is famous.

- Government authorities must be much more transparent in agreements reached with oil companies and other external investors to win public confidence and reduce suspicions.
- The Somaliland government should pass and enforce laws clarifying the status of communally claimed rangeland, with an aim of regulating private ownership of rangeland and preventing land-grabbing.
- Actions and policies that have the effect of inflaming relations with rejectionist groups in eastern Somaliland should be avoided. Policies that incentivise de-escalation of tensions in the east are in the best interest of both the Somaliland government and local communities and ideally should be backed up by an institutionalised arrangement for conflict prevention and management that combines state and non-state actors.

Recommendations for donor states and agencies:

- External actors should encourage and support de-escalation of armed tensions and conflicts in contested areas of eastern Somaliland by providing incentives and good offices to that end.
- Donors should commit to sustained dialogue with and pressure on the Somaliland government and top private sector interests in Somaliland to embrace better economic governance and institutionalisation.
- Assistance should be offered to the SFG, Somaliland and federal states for the establishment of a technical advisory panel tasked with provision of technical support and institutional capacity building around the issues of resource ownership and revenue-sharing and facilitation of an inclusive consultative process between Federal and Member State authorities to resolve these issues.
- Donor states with diaspora communities from eastern Somaliland that are engaging in war mobilisation and hate media should consider policies aimed at discouraging or criminalising that behaviour.

Recommendations for local civil society

- The social compact that has been at the core of Somaliland's long peace has been frayed, in part by government cronyism and clannism. Civic leadership must mount a sustained campaign to repair that social compact and press the government to be part of that effort.
- Civil society leadership can help neutralise inflammatory rhetoric from parts of the diaspora with messages of peace and co-existence in eastern Somaliland.

Recommendations for external oil companies

- In areas that are not contested by Khatumo state and Puntland, oil exploration must re-engage with local community leaders, in trilateral discussions involving Somaliland government officials, oil company representatives and local community leaders. These engagements must not be designed merely to keep local leaders informed, but to actively partner with them to resolve conflict issues related to awarding of jobs and contracts, environmental damage and compensation, land ownership and other matters.
- Oil companies exploring in any part of Somaliland should expect to be the targets of litigation from the Federal Government of Somalia and oil companies holding rights to concessions dating back to the 1980s; if the exploration occurs in disputed Dolbahante inhabited areas, litigation will likely come from Puntland, Khatumo state and the oil companies granted concessions from those entities as well.
- Use of the Somaliland OPU forces to secure exploration sites may be unavoidable but is a potential flashpoint of conflict if the OPU is viewed locally as a militia of other clans occupying their territory and/or a lost source of employment to the local clan. The OPU is no substitute for routinised, negotiated co-operation with local authorities.

[310] This recommendation is adopted directly from Adam Smith International (2014), p7.

7. APPENDIX / NORTHERN KENYA COUNTY CASE STUDIES

This appendix provides conflict assessments by county in northern Kenya. These case studies have two purposes: first, to provide the empirical evidence on which the general analysis in the body of the report is based and second, to serve as stand-alone documents for policy makers and agencies working in a specific northern Kenyan county. In consequence, users of this reports who read the cases back to back to back will find portions of the analyses repetitive, as many of the conflict dynamics in the five counties are similar in nature.

APPENDIX A: ISIOLO COUNTY CONFLICT ASSESSMENT

SUMMARY

Thanks to its role as a central site of LAPSSET and Kenya Vision 2030 development projects, Isiolo faces more transformational changes to its politics, economy and demographics than any other country in northern Kenya. These changes are in early stages but are already placing enormous stress on local conflict management mechanisms in northern Kenya's most cosmopolitan county, earning the county a reputation as "Kenya's boomtown powder keg."[311] Risks of violent conflict are growing across multiple fronts, including communal claims on natural resources; control of county revenues, jobs, and contracts; urban land disputes; rural land grabs; contested county borders; oil exploration; business rivalries; the influx of migrants from other regions; impact of development projects on local livelihoods; highly uneven distribution of benefits from new development; and the possibility of sectarian violence and violent extremism. This new pressure comes on top of tensions over rangeland and in-migration that has produced several episodes of lethal communal violence and retaliatory killings since the mid-1990s.[312]

BACKGROUND

Demographics. Isiolo county is home to about 150,000 residents, of whom 30,000 reside in one of five urban settlements, the largest being the county capital, Isiolo town.[313] Fertility rates are high; 45% of the population is under the age of 15.[314] The county is divided into two constituencies (electoral districts for Members of Parliament), Isiolo North and Isiolo South. The main town and county seat, Isiolo town, is a cosmopolitan settlement with a mixed ethnic population. It was established by the British as a military base at the conjunction of northern Kenya's low-land, semi-arid rangelands and high land agricultural zones. It is located at the westernmost edge of the county, in a narrow strip of territory jutting out from Isiolo county; this feature gives the county capital an unusual physical isolation from the rest of the county.

Multiple ethnic groups have a presence in Isiolo, including the Borana (the largest and most politically powerful community), Turkana, Samburu, Somali, Meru, Rendille, and Gabra.[315] Recent conflicts and ethno-political mobilisation have hardened these identities; in the past a number of practices allowed for more fluid identity and adoption between groups.[316] Alliances between these groups shift constantly; the current alliance of note is the "Cushites" (Borana and Somali) against rival Turkana and other groups. The population is a mix of Muslim, Christian, and indigenous faith groups, with Muslims constituting the largest group.

While some northern Kenya counties are inhabited almost entirely by a single ethnic group (Mandera and Wajir counties, for instance, are almost entirely Somali), Isiolo is an example of a multi-ethnic county, which has significant

[311] IRIN, "Kenya: A Boomtown Powder Keg" (November 25 2011) http://www.irinnews.org/report/94312/kenya-a-boomtown-powder-keg

[312] Goldsmith P, "Cattle, Khat, and Guns: Trade, Conflict, and Security on Northern Kenya's Highland-Lowland Interface." (Isiolo, Kenya: APPEAL-KENYA, Conflict and Conflict Management in the Horn of Africa Case Study, May 1997) http://payson.tulane.edu/conflict/Cs%20St/GOLDSFIN2.html, p30.

[313] The 2009 census records a population for Isiolo county of 143,294. "Overview of Isiolo County" http://www.kenya-information-guide.com/isiolo-county.html

[314] SID, Isiolo Profile http://inequalities.sidint.net/kenya/wp-content/uploads/sites/2/2013/09/Isiolo.pdf

[315] The "five main" groups are typically considered the Borana, Turkana, Samburu, Somali, and Meru; others are considered, in the parlance of Kenyan ethno-politics, "corner tribes." See Saafo Boye and Randi Kaarhus, "Competing Claims and Contested Boundaries: Legitimating Land Rights in Isiolo District, Northern Kenya," *Africa Spectrum* 46, 2 (2011), pp. 99-124.

[316] See for instance Anders Hjort, "Ethnic Transformation, Dependency and Change: The Iligira Samburu of Northern Kenya," in *Change and Development in Pastoral and Nomadic Societies* edited by John Galaty and Philip Salzman (London: Brill, 1981), pp. 50-67.

implications for conflict management. Specifically, customary law varies significantly by ethnic community, making it more difficult for ethnic groups in conflict to draw on traditional law and authority to resolve the dispute.[317] Because of the weakness of the formal judiciary in northern Kenya, and low levels of local confidence in those formal state institutions, recourse to either customary law or hybrid forms of justice are essential for management of armed conflict. As discussed below, efforts have been made in Isiolo and the wider region to overcome this particular obstacle.

Livelihoods and land. Over half of the population engages in pastoralism or agro-pastoralism. Camel herding is closely associated with certain ethnic groups, such as the Boran and Somali, while cattle herding or mixed livestock herding is common among others, such as the Turkana, Gabra and Samburu. Limited irrigated agriculture is possible along the Ewaso Nyiro River, which cuts across the centre of Isiolo County in a west-east direction and is a lifeline for pastoralists, feeding floodplains and the Lorian Swamp, which are critical sources of dry season rangeland. Access to this dry season rangeland is a matter of survival for local pastoralists. The river currently flows continuously, but upstream overuse has reduced water flows into Isiolo County. A planned dam at the resort city in Isiolo (discussed below) will further reduce downstream water availability.

A third of the population derives its main source of livelihoods from casual labor opportunities, mainly in Isiolo town, while 11% earn a living from charcoal production.[318] The town is a major center of commerce for a small number of businesspeople. Most of the commerce is legitimate, but small arms trafficking is a major illicit sector in Isiolo.[319]

Isiolo is one of Kenya's poorer counties, with 63% of the population living below the poverty line, and 80% of rural dwellers below the poverty line.[320] But Isiolo is relatively better off than surrounding northern counties, thanks mainly to the Isiolo town's privileged position as a commercial hub and gateway between the up-county and lowlands. This regional imbalance is certain to grow once major development projects advance in Isiolo.

Conservation and livelihoods. Isiolo has been a site of ambitious efforts to de-conflict wildlife conservation goals, environmental protection, tourism, and local pastoral livelihoods. This has been expressed in the creation of numerous group ranches and conservancies involving tens of thousands of hectares of semi-arid land. The Samburu have been the main group experimenting with group ranches, with only mixed success.

LAPSSET Corridor. The Lamu Port and South Sudan Ethiopia Transport (LAPSSET) Corridor project includes ambitious plans for Isiolo. Isiolo will be the site of a major highway, rail line, and oil pipeline linking South Sudan to Lamu on the Kenya coast. An Isiolo-Moyale highway will also link Isiolo to south Ethiopia. Isiolo's airport will be expanded to serve as an international airport; a resort city will open up the area to greater tourism; an abattoir will allow for export of chilled meat; and a dam on the Ewaso Ng'ira river will provide hydro-electricity and water for the city of Isiolo and the resort city. Many other spin-offs from this infrastructure investment are anticipated. The town of Isiolo is expected to grow dramatically as part of this project.[321]

RECENT HISTORY OF CONFLICT AND POLITICAL VIOLENCE

Isiolo has experienced chronic communal clashes for years, mainly over access to land and political power. Most conflicts have involved clashes between two of the region's ethnic groups, but in some cases more complex multi-communal coalitions have formed. These alliances have been temporary and can shift quickly. The fact that tribes and clans have formed, and broken, alliances with one another on multiple occasions suggests high degree of elite control over communal mobilisation and relations.

Evidence also suggests that communal clashes have been heavily politicised, both as a result of local elite competition in elections and, at times, due to political manipulation of violence at the national level, as a means of dividing and punishing ethnic groups leaning against the incumbent party. In 1997-2002, the KANU government is said to have clandestinely colluded with local "ethnic kingpins/warlords" to incite communal clashes to this end.[322]

[317] Chopra T, "Building Informal Justice in Northern Kenya" (Nairobi: Legal Resources Foundation Trust, December 2008), p1.

[318] ACF-USA, "Nutritional Anthropometric and Mortality Survey, Children Under Five years of Age, Final Report: Garbatulla, Oldonyiro, Sericho and Merti Division," (Nairobi: ACF-USA, 2008), p. 10.

[319] Human Rights Watch, "Playing With Fire: Weapons Proliferation, Political Violence, and Human Rights in Kenya," (New York: HRW, 2002), ch.3 http://www.hrw.org/reports/2002/kenya/index.htm#TopOfPage

[320] Kenya Institute for Public Policy Research and Analysis (2013), p. 21.

[321] "Kenya Vision 2030," http://www.vision2030.go.ke/index.php/pillars/project/macro_enablers/181

[322] UNDP Kenya, "Conflict Dynamics in Isiolo, Samburu East, and Marsabit South Districts of Kenya," (Nairobi: Amani Papers vol 1 no 3, 2010), p. 3.

The scale of armed conflict in Isiolo has varied over the past two decades, with periods of active hostilities in the late 1990s to 2002 and 2007-12, punctuated by a periods of relative calm from 2002-07 and 2013-14.[323]

Communal claims on exclusive rights to rangeland, and challenges to those claims, have been at the heart of some of the district's violence. British colonial administration in northern Kenya frequently drew district boundaries as lines of demarcation to limit pastoral movements of rival tribes and clans, in hopes of reducing communal clashes over rangeland and wells. This policy, intended as a conflict prevention strategy, had the effect of limiting pastoral mobility, and creating winners and losers. It also set an unwanted precedent of districts serving as sites of exclusionary ethnic claims on land.[324] In the case of Isiolo, the district was initially created in part to demarcate Borana rangeland into which expansionist Somali pastoralists were not permitted. Because of Isiolo county's desirable features – the perennially flowing Ewaso Nyiro river, grasslands in the seasonal flood plains the river produces, and the role of Isiolo town as a commercial crossroads – it has been the site of westward pastoral migration by Somali pastoralists and southward expansion by Turkana pastoralists for many decades.[325] Some of this movement has been seasonal (dry season) or distress migration (drought induced), while some has reflected efforts to establish permanent claims on rangeland in a chronically contested pastoral zone. This has produced a long history of periodic pastoral clashes between the main ethnic groups in the county, mainly involving Borana against what they perceive to be encroachments by "outsider" communities. This is a narrative that is contested by the other communities, which claim long-standing presence in and rights to the area, or which reject the notion that any single ethnic group can claim trustland based on old colonial administrative borders. Census data does strongly suggest a rapid migration of Somalis into Isiolo since 1960.[326]

One factor exacerbating the Somali-Borana pastoral conflicts is the fact that Somali pastoralists living in drier areas of Garissa county are not parties to, are not always aware of, and do not recognise complex access and usage rights to water and pasture that are negotiated within the Borana community. Drought-stricken Somali pastoralists simply move their herds into Borana areas without regard to these codes of access, leading to armed conflict.[327]

Samburu-Borana clashes over pasture have also been endemic, exacerbated by a history and culture of livestock-raiding. Cattle raiding has been a cultural tradition, part of the rite of passage of young men, among some but not all ethnic groups residing in Isiolo county.

In addition to frequent low-intensity clashes over rangeland, several episodes of large scale communal conflict have occurred in the county since the mid-1990s. Some of the most significant include the following:

Borana-Somali clashes, 1995-99. From 1995 through 1999, a series of clashes involved attempts at forcible displacement of Somali clans by the Borana. In one case, the Somali Murille clan was driven out of Isiolo district in the mid-1990s. The Murille had for decades migrated westward into Isiolo from Mandera district, and in the riverine grasslands of Isiolo had turned to cattle herding. Some had also settled in Isiolo town.[328] Forced back to the much more arid conditions of Mandera district, the Murille experienced severe economic hardship. They also arrived as displaced and distressed pastoralists at about the same time the Garre were also being displaced from Wajir-North into Mandera. The subsequent clashes between Garre and Murille in Mandera (discussed below) were partially a function of this spillover from Isiolo.

The Somali Degodia clan have also been periodically displaced from Isiolo, in several separate incidents since the 1990s. These clashes have been driven by both politics and pastoral resources. In 1997, Degodia pastoralists from Wajir negotiated temporary access to pasture in Isiolo (specifically, the floodplains of the Ewaso Ng'ira river) during a drought. They then stayed, and some were registered to vote in Isiolo, in a quid pro pro with a sitting Borana MP, Charfano Mokku, who secured their votes. But their prolonged presence and apparent intent to stay prompted repeated communal clashes between the Borana and Degodia, and rival politicians stoked Borana

[323] Ibid.

[324] John McPeak, Peter Little, and Cheryl Doss, *Risk and Social Change in an African Rural Economy: Livelihoods in Pastoral Communities* (New York: Routledge, 2012).

[325] Gichiku 2000.

[326] Census data reveal that the Somali population in Isiolo grew from 10% to 35% of the total population between 1960 and 1985. See Umar, "Resource Utilization," p. 16. Most of the Somali population in Isiolo in 1960 were from the Isaaq clan of northern Somalia (at the time, the colony of British Somaliland). They were demobilized WW II veterans who were given land in Isiolo by the British.

[327] Chopra T, "Building Informal Justice in Northern Kenya" (Nairobi: Legal Resources Foundation Trust, December 2008), p9.

[328] Taylor D, "Kenya: A Fragile Peace in the Desert," *IPS* (7 April 2005)

[329] Warigi G, "The Root Causes of the Somali-Borana Conflict," *Daily Nation* (14 May 2000) http://allafrica.com/stories/200005140019.html.

[330] Walker R and Omar H, "Pastoralists Under Pressure: The Politics of Sedentarisation and Marginalisation in Wajir District, Northeast Kenya." Nairobi: Oxfam-GB, July 2002, p28.

anger at the "importation" of Somali voters into Isiolo.[329] The International Committee of the Red Cross and the Kenyan government sought to reduce the need for Degodia herders to migrate into Isiolo by drilling boreholes intended for Degodia use in the western border of Wajir.[330] The boreholes did not, however, prevent communal clashes, and in October 1998, the Borana launched a large-scale raid on several Degodia settlements in Isiolo, killing over 140 and stealing 17,500 cattle.[331] The area was rocked by conflict between the two groups for over a year, and Mokku lost his seat in 2002 to a coalition of Somali, Turkana, Meru, and Samburu voters.[322]

Today, the Somali and Borana have at least temporarily settled their differences and currently constitute an alliance of the "Cushites" against the Turkana and others. The reconciliation between the two can be interpreted in two ways—as a hopeful sign that local leaders have the capacity to negotiate and maintain peace, or that pastoral alliances in northern Kenya are matters of expediency and reflect short-term calculations, not genuine reconciliation.

Drought-induced clashes, 2008-10. Prolonged drought across the entire eastern Horn produced a famine in 2011 in which 260,000 Somalis died and hundreds of thousands fled into Kenya as refugees.[333] That same drought triggered severe hardship across northern Kenya from 2008 through 2010. Distress migrations of pastoralists from surrounding counties moved into Isiolo to access floodplain grasslands and water from the Ewaso Ng'ira river. That led to a series of clashes, including Somali-Samburu confrontations that left 15 dead,[334] and clashes pitting Turkana against Somali, Borana, and Samburu that resulted in hundreds of displaced persons and 11 deaths.[325] A government military operation to recover stolen livestock and disarm the cattle rustlers became bogged down in national level party politics, as top national figures sought to protect the interests of communities which had voted with their party.[336] The violence subsided with the onset of rains and the dispersal of pastoralists.

Pre-election related communal violence, 2011-12. The most recent instance of large-scale armed conflict erupted in Isiolo in October 2011, pitting Borana versus Turkana. Twenty people died and nearly 3,000 Turkana were displaced in the planned attacks, which were blamed on political figures seeking to displace and intimidate the ethnic constituencies of rivals in the run-up to the March 2013 elections. Those elections were the first post-devolution contests in which county governors, deputy governors, and county representatives were elected by and from the local citizenry, and stakes were very high for control of country budgets, contracts, jobs, and power.

The violence that began in October 2011 continued into 2012, spreading to Somali communities as well, and sparking a cycle of revenge killings and displacement from the town of Isiolo.[337] Some of those targeted were pastoralists who were viewed as part of an effort by rival politicians to bolster their community's numbers for the election. Numerous reconciliation processes were initiated by the County Commissioner and local Peace Committee. An uneasy peace has returned to the county since then.

The electoral violence of 2011-12 has roots in earlier election-related communal tensions dating back to 2002. In 2007, two groups – the Turkana and Samburu – formed an alliance in an attempt to win the MP seat in Isiolo-North from Borana candidates. That election generated two enduring narratives that continue to constitute underlying political drivers of communal clashes that are often miscast as resource conflicts. The Borana claim that Turkana and Samburu are importing people from their communities into Isiolo to expand their numbers and voting power, and that these "migrants" need to be pushed back to their home counties. The Borana and Samburu argue that the Borana are attempting to cleanse Isiolo-North of all Turkana and Samburu.[338] Both sides of the argument point to the fact that communal bloc voting, and the tendency to view counties and electoral districts as zones of exclusionary rights by the victorious tribe, are at the heart of most politically-related violence in northern Kenya.

CURRENT CONFLICT ASSESSMENT

Contemporary politics. Isiolo politics since devolution in 2013 has been characterised by paralysis and polarisation, which is proving to be an obstacle to the county's ability to prepare itself for the major changes associated

[331] Ken Menkhaus, "Kenya-Somali Border Conflict Analysis," (Nairobi: Development Alternatives Inc 2005), pp. 24-25.

[332] "Kenya: Clashes Feared as Herdsmen Invade District" *Daily Nation* (15 May 2003) http://allafrica.com/stories/200305150037.html

[333] FAO/FSNAU and FEWS NET, "Mortality Among Populations of Southern and Central Somalia Affected by Severe Food Insecurity and Famine During 2010-12," (Rome, FAO, May 2013).

[334] IRIN, "Kenya: Drought Exacerbating Conflict Among Pastoralists," (2 February 2009).

[335] IRIN, "Hundreds Flee Attack in East Kenya Town," (17 November 2009).

[336] UNDP, p. 8.

[337] IRIN, "Several thousand Displaced After Fresh Clashes in Isiolo," (2 April 2012).

[338] UNDP Kenya (2010), p. 4.

with Kenya's Vision 2030 and the LAPSSET project. The elected county government (assembly) is currently dominated by Borana interests, reflecting the group's numerical superiority in the county. Borana leaders have forged an alliance with Somali leaders in what is locally called the "Cushistic" bloc, with Turkana, Samburu, and others complaining of marginalisation. The Governor, Godana Doyo, is Borana, as is the elected Senator, Mohammed Kuti, while the Deputy Governor is Somali. Elections in Isiolo have been driven by ethnic bloc voting rather than party preferences, with political aspirants and tribal leaders engaging in closed-door dealing making and subsequently informing their ethnic constituents how to vote.

Tribal, party, and personality rivalries have all been at play in the county's ongoing political problems. In consequence, the Kenyan Senate, in its role monitoring devolution across the country, is treating Isiolo as one of the most at-risk counties for political paralysis and conflict.[339] The country's post-election performance has been poor. The Governor has been accused by rivals of engaging in tribal patronage, earmarking most jobs and contracts for his own tribe; Governor Doyo has also been locked in a war of words with Women Representative Tiyyah Galgalo, who is from a rival political party; and the County Assembly has been paralysed for most of its existence over internal disputes, culminating in a vote in June 2014 to impeach the Speaker Mohamed Tubi. Tubi took the case to court, has refused to testify to the Senate Devolution Committee,[340] and now faces a possible lawsuit for defamation by Isiolo Members of County Assembly (MCAs) who claim he is inciting the public against them leading to physical threats.[341] Meanwhile, one of the most important and sensitive offices of the county government, the land registry, was recently ranked as one of the three most corrupt land registries in Kenya in a survey by the Land Development and Governance Institute (LDGI).[342]

As elsewhere, post-devolution tensions also exist over the division of labor between the appointed Commissioner of Isiolo County and the Governor. Because the governor is a member of a local ethnic group and is perceived local as serving as an advocate for the interests of that group and not a neutral party, he is trusted less than is the Commissioner on matters of peace, security, and development. To date the Commissioner, J.K. Mwaura, has played the most pivotal role in maintaining security and managing conflict.

Conflict flashpoints. Isiolo is currently replete with potential conflict flashpoints, most related to land and political power, but with multiple triggers. Most of the flashpoints are related to aspects and impacts of the LAPSSET project. The most dangerous include:

1. **Episodic pastoral resource clashes, intensified.** Periodic communal clashes among pastoralists will continue, especially in times of prolonged drought, when outside pastoralists move into Isiolo to access riverine and floodplain dry season grazing. But restricted flows of water in the river due to the proposed dam (discussed below), and much more upstream diversion for irrigated agriculture and growing urban water demands[343] – will intensify pastoral competition for declining water and dry season grazing. In addition, loss of access to pasture due to LAPSSET infrastructure, the proposed resort city, and possible expansion of already sizable military bases and conservation parks, will add to pastoral stress and conflict. The intensification of these struggles to access pasture and land could overwhelm existing mechanisms (grazing committees) to manage pastoral conflict.
2. **Urban and peri-urban land/in-migration.** The combination of corrupt and dysfunctional land registration, spiking value in urban real estate, and expectations of massive new urban development and growth in Isiolo, including a major flow of in-migration from other regions, is almost guaranteed to produce land banking, land grabbing, and land speculation, and ensuing violent clashes over disputed land. The question is not if this will occur but at what level. Because much of the urban land will be purchased by non-residents in a context of local fear of being "overrun," tensions over individual disputed plots could easily spill over into wider communal violence. Peri-urban land – the site of most of the speculative land acquisition – will be a particular flashpoint of conflict as private lots encroach into communal trust rangeland. Peri-urban land is a chronically difficult issue in countries with dual land rights systems such as Kenya.
3. **Land grabs in rural project zones.** Private claims on rangeland (Trust or Community land, as defined in Kenyan land legislation) are already being staked out, and are for the most part instances of land speculation in anticipation of LAPSSET development, especially along the main transport corridor envisioned as part of

[339] See transcripts of Senate debates at http://info.mzalendo.com/hansard/sitting/senate/2014-10-02-14-30-00#entry-492000

[340] "Isiolo Speaker Declines Public Grilling by Senators," (October 17 2014) http://mediamaxnetwork.co.ke/peopledaily/112920/isiolo-speaker-declines-public-grilling-senators/

[341] "Isiolo MCAs Vow to Sue Speaker" *The Star* http://trendingnewsroom.com/readfeed/225924/qa/isiolo-mcas-vow-to-sue-speaker

[342] Jamah A, "Survey Unearths Most Corrupt Land Registries in Kenya," *EIN* (October 15 2014) http://world.einnews.com/article/229135256.

[343] Weru J, "Human-Wildlife conflict on the Rise as Jumbos Seek Drinking Water," (Aug 24 2014) http://www.standardmedia.co.ke/print/2000132488/human-

the project.[344] This is part of a nation-wide problem of land-grabbing in areas demarcated as Community land. Because land values are expected to soar in LAPSSET project areas, land grabs are likely to accelerate. Any concurrent restrictions on pastoral access increases the odds of armed violence. If pastoral groups and new landowners hail from different ethnic groups the disputes could morph into communal violence.

4. **Tension over resort city.** Plans for the resort city at Kipsing Gap in Isiolo, part of Kenya Vision 2030, are meant to open up northern Kenya to tourism. The resort city is to be constructed on what has been trust or communal land that constitutes valuable rangeland for pastoral communities. This is unlikely to produce armed clashes on its own, but contributes to a wider sense of anxiety over land loss.

5. **Dams.** Proposed twin dams of the river at Crocodile Jaws and Ngerendare are intended to provide electricity and water for the resort city and for Isiolo town. The dams are supported by top Isiolo political figures but opposed by communities downstream, who fear permanent loss of water and disastrous impact on pastoralism and agriculture.[345] This has the potential to become a festering grievance and source of infrastructure sabotage. The reduction in water access downstream and dry season rangeland will also intensify pastoral resource conflicts.

6. **Government job and contract disputes.** Complaints that the Governor is allocating most government employment and contracts to members of his own tribe – whether entirely true or not – reflect a dangerous new source of grievances and communal power struggles over the many material benefits now accruing to those in control of county budgets under Kenya's system of devolved government. Isiolo, with the promise of major development, is going to be awash in contracts that, if monopolised by communal groups in power, will provoke a backlash. In general, competition for employment and contracts across most of the eastern Horn of Africa is one of the most common triggers of communal violence. Competing local professionals and businesspeople are often more interested in the allocation of jobs and contracts than they are about the actual service to be provided, and mobilise their communities to demand their "share of the cake." Where rival communal groups subscribe to widely divergent views about their relative importance, or where political leaders adopt a "winner takes all" attitude toward government resources, the odds of political violence over jobs and contracts increase.

7. **Inter-county border disputes.** Isiolo is embroiled in several high stakes borders disputes with neighboring counties. The central government – the Independent Electoral and Boundaries Commission (IEBC) and National Land Commission – is tasked with resolving these border disputes but has been slow to act. Importantly, most of the county border disputes mask ethnic or tribal disputes over territory. The Meru-Isiolo county border dispute, for instance, is code for communal disputes between the Meru and Borana over contested and now high value land in and around the town of Isiolo.

   Three county border disputes are currently of particular importance. First, Isiolo and Wajir counties are in dispute over an area where oil exploration is slated to occur, with some local communities insisting they will only pay taxes to Wajir, not Isiolo. Second, oil discoveries made by the Canadian company Vanoil Energy in the Modogashe area has sparked a border dispute between Isiolo and Garissa counties.[346] Finally, the most serious border dispute is between Meru and Isiolo counties over land in and around Isiolo town itself, including Isiolo international airport and other real estate that will be the site of important LAPSSET investments.

8. **Violent extremism.** A combination of factors – Al-Shabaab's active recruitment in Isiolo, ample communal grievances the group can mine to gain local support, and the rich supply of soft targets that rapid development in Isiolo will produce – points to the likelihood of Al-Shabaab terrorist attacks in Isiolo in coming years. In addition to targeting LAPSSET projects, the group could also target Christian houses of worship as it has done in Garissa, which could introduce a new and until now inconsequential conflict faultline in Isiolo, Muslim-Christian tensions. In the event of large-scale in-migration to Isiolo town, most of the migrants will be Christian, and that could produce tensions about up-county "settlers" that Al-Shabaab will be tempted to exploit as it has done along the Swahili coast.

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wildlife-conflict-on-the-rise-as-jumbos-seek-drinking-water

[344] Interviewees stressed that the rush to land includes local politicians and outsiders, that they are focusing on land adjacent to the planned highway, and that the land claimants are demarcating their land without deeds, but then are seeking title on the basis of having established the land as their own. Interview, June 23 2014. Claims that powerful political elites are leading the land grabs are corroborated in media accounts; see Ali Abdi, "Isiolo Plans to Deal with Roadblocks that Impede County Growth," The Standard (Sept 6 2014) http://www.standardmedia.co.ke/thecounties/article/2000133960/isiolo-s-plans-to-deal-with-roadblocks-that-impede-the-county-s-growth

[345] Abdi A, "Sh10 Billion Dam Causes Uproar From Isiolo Residents," *The Standard* (13 July 2013) http://www.standardmedia.co.ke/article/2000088699/sh10-billion-dam-causes-uproar-from-isiolo-county-residents

UNDERLYING CONFLICT DRIVERS

The above inventory of recent conflicts and current conflict flashpoints highlight the fact that many structural drivers of conflict are in play in Isiolo, but a few are especially salient, especially in combination with one another.

The most volatile combination of conflict drivers at this time is (1) the continued dominance of exclusivist ethnic claims on resources as a central feature of political narratives and logic; (2) mounting competition over both rural and urban land; (3) fierce competition among rival elites for control over new county political positions and the state budgets they command; (4) speculative land-grabbing or land claims by individuals, tribes and clans, and county governments in anticipation of major development projects and oil extraction, and (5) a new, devolved political system in which no established "rules of the game" exist to mediate community competition over resources and power. Together these factors have rendered local politics a high stakes, zero-sum game with potentially catastrophic long-term consequences for communities on the losing end of a power struggle. This has created conditions in which recourse to political violence is much more likely.

There are dozens of other factors that render Isiolo county more vulnerable to conflict. One recent survey of the country listed 17 underlying causes of conflict.[347] Small arms proliferation, profound levels of poverty and underdevelopment, a culture of livestock rustling, and poor governance are among the many factors that this assessment of the county identifies as contributors to the county's susceptibility to political violence. But this assessment conclude that the combination of the five factors listed above are most worrisome and require priority attention.

TRIGGERS OF CONFLICT

The triggers most likely to precipitate armed conflict in Isiolo are the same as in other northern Kenyan counties. They include:

- **Elections.** Elections for county government and national legislative seats – both the electoral campaign period and the elections themselves – are the single most dangerous potential trigger for political violence.
- **Migration.** Closely linked to elections as a trigger of conflict is the issue of in-migration. In Isiolo, attempts by political leaders and clan or tribal elders to relocate co-ethnics into the county in order to increase ethnic bloc voters has been especially volatile. In some cases in-migration that is triggered by other factors – drought, employment opportunities, etc. – has been viewed locally as an attempt to tip demographics in favor of one group or another in elections, an accusation which has also led to violence in several instances. Major economic development projects in Isiolo are almost certain to lead to major population movements from other parts of the country, so this is a hot-button issue that will be particularly dangerous during election seasons.
- **Drought.** As elsewhere in northern Kenya, droughts reduce available pasture and water sources, provoke distress migrations into areas known to have better dry season pasture and water, and trigger pastoral clashes. Isiolo is especially prone to this conflict trigger due to the fact that it is the site of one of northern Kenya's most important perennially flowing river and dry season rangelands.
- **Resource allocation decisions.** Government, private sector, and non-profit organisations make hundreds of decisions on resources allocation in Isiolo – especially over jobs and contracts. The record of conflict in the county and the wider region of northern Kenya strongly points to seemingly minor issues related to allocation of jobs and contracts serving to trigger wider tensions, protests, and even violence. Communities can be mobilised over this issue when they perceived that jobs and resources have been allocated disproportionately to rival tribes or clans, as well as when jobs and contracts are awarded to individuals and firms from outside the county.
- **Initiation of new development projects.** New development projects associated with LAPSSET and Vision 2030 that are located in contested land pose a danger of triggering armed clashes, especially when the projects are first initiated.
- **Political manipulation.** The wildcard factor in Isiolo, as in other northern Kenyan counties, is the possibility of political elites – both in the county and based in Nairobi or abroad – see personal advantage in inciting communal violence. The record of communal violence in northern Kenya clearly points to a pattern of elite

[346] Salesa H, "Oil Sparks Border Row Between Isiolo and Garissa," *The Star* (16 July 2013) http://www.the-star.co.ke/news/article-128250/oil-sparks-border-row-garissa-and-isiolo

[347] PACT, "Isiolo County Profile" (draft) (January 2013), p. 2.

manipulation of ethnic tensions as a principal trigger of violence. This pattern is described by locals as violence by “remote control” and is difficult to prevent as long as elites retain levers of influence in their constituencies.

APPENDIX B: MANDERA COUNTY CONFLICT ASSESSMENT

SUMMARY

Mandera County is currently the site of some of the worst armed violence in Kenya. Two generally unrelated conflict drivers are producing the current violence.[348] One is communal clashes involving the Garre and Degodia clans. This simmering conflict exploded again in 2013-14, producing over 70,000 internally displaced persons and exacerbating deep and unresolved tensions between the two communities. The 2013-14 violence is part of a longer history of Garre-Degodia rivalry and violence that extends across the Kenya-Ethiopia border and that is linked to both land disputes and the political power.

A second conflict dynamic is the rise of Al Shabaab terrorist attacks in the county, which have dramatically expanded in scale and lethality since 2013. These attacks, some or most of which appear to be cross-border from Somalia, have included premeditated massacres of non-Muslims working in the county as well as attacks on Kenyan security forces. The attacks are part of a wider campaign of violence in Kenya by Al Shabaab. They have led to a crisis in government services in Mandera as hundreds of non-Muslim civil servants refuse to return to work there. The attacks threaten to drive away limited business investment in what is already one of the poorest counties in Kenya.

Prior to the explosion of these two sources of political violence, Mandera County struggled with other armed conflicts, including communal clashes over land and politically-instigated violence related to parliamentary elections and clan control of those constituencies. Those conflict drivers remain very much in play in the county. The chronic armed violence over land and political power in a context of a militarised and contested border area earned Mandera a reputation as "one of the most conflict prone areas in the world" in a 2008 US government report, a distinction that has been reinforced by recent fighting there.[349]

BACKGROUND

Borderland dynamics. Mandera County's strategic location at Kenya's border with both Somalia and Ethiopia means that its conflicts are thoroughly regionalised and cannot be understood without reference to wider cross-border factors and interests. The borders offer affordances to local populations, who benefit from cross-border trade and smuggling and who cross the border to take advantage of services such as education and health services. The borders also offer opportunities for armed groups to use as safe havens. Mandera town, located directly across the border from Kenya and very near to the Ethiopian border, serves as a commercial and service hub for populations on all three sides of the border. The "Mandera Triangle" area is viewed as a strategically sensitive area where Ethiopian and Kenyan militaries are concentrated as well as Somali armed non-state actors. Both Ethiopian and Kenya forces are currently deployed across the Somali border as part of the AMISOM mission and Ethiopian forces have crossed into Kenya in "hot pursuit" of targets.

Demographics. The county population is mainly rural and pastoral. Only 18% of the Mandera county population resides in urban areas, compared to a national level of urbanisation standing at 32%.[350] The estimated population of the county is a matter of dispute. According to the 2009 census, the county is home to 1,025,000 residents, of whom 162,000 live in Mandera West Constituency, 158,000 in Banissa Constituency, 170,000 in Mandera North Constituency, 248,000 in Mandera South Constituency, 179,000 in Mandera East Constituency and 110,000 in Lafey Constituency.[351] These 2009 census results are however a matter of dispute – the release of the census was delayed and figures later revised downward by the government, due to concerns that figures from Somali-inhabited counties had been doctored, as the census figures suggested an implausible increase from 800,000 to 2,835,000 over a ten year period in northeast Kenya.[352] Agencies operating in the county should not take the census figures at face value.

The vast majority of Mandera county residents are ethnic Somalis. Three clans – the Garre, Murille and Degodia – comprise most of the Somali population, with the Garre being the most numerous. Other Somali clans that are present in small numbers are referred to as the "corner tribes." The three main clans embrace very different views

[348] The two conflicts do overlap a bit, as discussed below, but are fundamentally distinct crises.

[349] Quoted in "Mandera County Conflict Analysis, February 14 2013- July 14 2013," p2.

[350] "County Data Sheet: Mandera," Kenya Open Data https://www.opendata.go.ke/facet/counties/Mandera

[351] Geohive Kenya http://www.geohive.com/cntry/kenya.aspx. These figures have been rounded to the nearest thousand.

[352] Teyie A, "Kenya: 2009 Census Delayed over Somali Numbers," *The Standard* (9 January 2010) http://allafrica.com/stories/201001120871.html; Wilfreed Murillo, "Kenya Somalis Population Explosion Cancelled in Census Results," Alshahid Network (31 August 2010) http://english.alshahid.net/archives/12080. Explanations for the inflated figures include the fact that budget allocations to counties incentivize inflating number of residents; and a high number of Somalis who have crossed into Kenya and secured Kenyan citizenship. Some Somali observers dispute the Kenyan government claim that the figure is too high, arguing that it is too low as pastoralists go underreported.

of their historic claims to the land and their relative size and importance to one another, disagreements that have been heightened since the advent of democracy in Kenya. All three have a physical presence in Ethiopia and Somalia as well.[353] In terms of capacity to organise and project power, the Garre clan has been the most dominant in recent years and has been in battles with most of its neighbours over the past fifteen years, including the Murille (in Mandera county), Marehan (in the El Wak border area), Ajuraan (in Wajir county) and Degodia (in Mandera county, Wajir county and Ethiopia). Another Somali clan, the Marehan, is resident almost entirely on the Somali side of the border, but has a growing physical presence in Mandera, mainly as recent migrants. Despite their modest numbers, the Marehan clan exercises powerful influence in Mandera County thanks to its hegemony in neighbouring Gedo region on the Somali side of the border and due to the economic power of its large diaspora. It has maintained strong relations with the Murille on the Kenya side of the border, where the Marehan have sizable commercial interests.

The three main clans of Mandera County inhabit non-contiguous pockets of the county, a fact that may contribute to clashes, especially over right of access across rival clan territory.[354] Historically, the Garre were concentrated in the northern border areas of Mandera town, the western portions of Mandera County toward Moyale and the border area of El Waq. The Murille historically inhabited the area from Mandera town south toward El Waq. The Degodia historically inhabited land in central Mandera County stretching from the Ethiopia border southward to Wajir town in Wajir County.[355] Readers should be aware that this general description of clan zones of habitation, which is derived from colonial-era mapping of clan territories, would likely be contested by competing and sometimes inflated, clan narratives over land and rights in Mandera County.

The fact that all three clans also reside across the Ethiopia and Somalia borders means that Mandera is at times susceptible to communal clashes originating in a neighbouring country.

Non-Somali, mainly "down country" Kenyans in Mandera County reside primarily in Mandera town and a few other urban settlements and are mostly in the military, police, civil service, or service professions such as health and education. This group lives in Mandera only temporarily, as part of their employment and typically relocate once their contract is finished. Unlike some other areas of northern Kenya, Mandera County does not attract down-country "settlers". Recent massacres of non-Muslim Kenyans working in Mandera County by Al Shabaab have led to an exodus of about 800 teachers and others who claim it is too unsafe to return to work in Mandera and Wajir counties and have requested re-location to a new post. This has angered the local community and its political leaders, some of whom have accused the non-local Kenyans of spreading falsehoods about northern Kenya and exaggerating the security threat. The acrimonious tone of these exchanges and statements on Twitter by a Somali Kenyan elected official telling the teachers that they are no longer welcome, suggest that the numbers of non-local Kenyans residing in Mandera will remain low into the foreseeable future.

Somalis from Somalia rather than Kenya – called "Rer Somali" (as opposed to Rer Kenya") by Somali speakers – are numerous in Mandera County, residing mainly in Mandera town. They include Somalis who have secured Kenyan identity papers as "flags of convenience" to allow them to live and do business in Kenya; Somalis living illegally on the Kenyan side of the border; and Somalis who cross over to Mandera to access services such as schools and hospitals but return to the border town of Bulo Hawa each day. Ethnic Somalis from Ethiopia are also present in Mandera County, sometimes as the result of recruitment efforts by warring clans to shore up their number of armed men. All this makes determining citizenship and identity a confusing and challenging task in Mandera County and contributes to suspicions on the part of some Kenyan government authorities that some of the local residents are not in fact Kenyan citizens. That in turn fuels local resentments that residents are treated as foreigners by their own government.[356]

Land and livelihoods. Mandera County is extremely hot and arid, with annual rainfalls averaging 250 mm or less, ranking it among some of the driest counties in Kenya.[357] Portions of the northern border with Ethiopia are formed by the modest but perennial Dawa River that flows from the southern highlands of Ethiopia into Somalia's Jubba river. The Kutulo wadi or river flows seasonally from Ethiopia across the easternmost portions of Mandera County into Somalia.

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[353] The Murille presence in southern Somalia is however insignificant, and limited to areas on the Kenyan border.

[354] Several episodes of armed conflict and even attempts at localized ethnic cleaning have been driven by disputes over rights of passage by clans.

[355] Lewis IM, Peoples of the Horn of Africa (1955).

[356] Kenyan Human Rights Commission, "Foreigners at Home: The Dilemmas of Citizenship in Northern Kenya," (Nairobi: KHRC, 2008).

[357] Kaplan I, et al., *Area Handbook for Kenya* (Washington: Congressional Library, 1976), p. 61. Portions of the Kenya borderlands with southern Ethiopia and south Sudan near Lake Turkana are more arid.

The dry conditions in Mandera County make it well-suited for camel husbandry, which is the backbone of the pastoral economy across the entire Mandera Triangle area. Limited irrigated agriculture is practiced along the River Dawa, the banks of which are of great value as a watering area for livestock.

Commerce is a significant livelihood for urban populations in Mandera town and smaller settlements such as El Wak and Rhamu. Mandera town serves as a regional hub for the large cross-border camel trade and for transit trade crossing from Somalia into Kenya. The main road linking Mandera to Isiolo and central Kenya via Wajir and El Wak is unpaved.

Mandera ranks near the bottom of all Kenyan counties in terms of poverty levels, with 87% of the population living below the poverty line.[358] Only Turkana County has a higher poverty rate. Mandera County is poorly served by government health and education services and recent spikes in insecurity appear likely to make provision of basic services even more difficult. The Somali practice of remittances almost certainly provides residents with greater purchasing power then they would otherwise have, but the amount of remittances flowing into Mandera County is unknown. Because far fewer Kenyan Somalis have placed relatives in the diaspora (compared to Somalis from Somalia), the remittance flows are probably modest and flowing disproportionately to Somali citizens living in Kenya than the Somali Kenyans.

Administrative units. Until 1988, Mandera County was divided into two constituencies, Mandera-East and Mandera-West. In 1988 Mandera-central was carved out of Mandera-East. In 2009, Mandera County was divided into six constituencies – Mandera West, Mandera East, Mandera South, Mandera North, Banissa, and Lafey.

RECENT HISTORY OF CONFLICT AND POLITICAL VIOLENCE

The history of 19th century large-scale migrations into this area has left a legacy of chronic communal contestation over land. Grievances have mounted among clans that over time have found themselves pushed out of territory by better armed, more numerous and more aggressive rivals. Unlike some parts of the eastern Horn of Africa, where tribal or clan boundaries as well as shared rangeland is relatively well-established, clan claims on land in Mandera county are more contested. In addition, the relative power of resident clans have waxed and waned with the fortunes of their political leaders and alliances in Kenya, Somalia and Ethiopia, producing new imbalances in the local balance of power. Elites in the Marehan clan in Somalia, for instance, derived considerable benefits from the twenty year reign of Siyad Barre (himself a Marehan) in Somalia from 1969-1990. They have parleyed the resources they accrued during that period into political and militia power that has allowed them to expand into neighbouring clans territory in parts of the Mandera Triangle area and to make claims on the distant seaport of Kismayo.[359] The Garre have grown stronger and more assertive in the region thanks in part to their role as a valued paramilitary operating in co-operation with the Ethiopian armed forces. Other clans' relative power rises and falls with their ability to serve as useful allies to strong clans in the area. The Murille have successfully pursued this tactic with both the Marehan and more recently the Garre.

Since 2000, Mandera County has experienced two periods of major spikes in armed conflict – 2004-2005 and the period since 2013. The most serious episodes of armed conflict have included the following:

Garre-Murille clashes, 2004-05.[360] In 2004-05, clashes between the Garre and Murille near the Kenya-Somalia border near El Wak led to dozens of deaths and 30,000 displaced persons. The two clans have been embroiled in periodic fighting recorded as far back as the 1920s, but have also enjoyed long periods of co-existence. The 2004 clashes were rooted in unresolved disputes over rangeland and were triggered by attempts by Garre herders to move livestock into areas they claim belonged to them during pre-colonial times.[361] The Murille resisted, resulting in one death at Jabibar. That death triggered spiral of revenge killings, culminating in the assassination of a prominent Garre NGO worker near El Wak in December 2004. The Garre responded with armed attacks that ushered in a period of wider conflict. From January to March 2005, multiple attacks were responsible for 50 deaths and 30,000 displaced persons in the district. The conflict reached its apex on March 16, 2005, when a Murille raid on the Garre village of El Golicha resulted in a massacre of 22 people, of whom 16 were children.

The massacre triggered widespread outrage in the Kenyan media and international press, prompting direct Kenyan government response. The two clans were convened in peace talks that were eventually mediated by a group of eminent Muslim leaders from the Supreme Council of Kenya Muslims (SUPKEM). Under considerable national

[358] KIPPRA (2013), p21.

[359] In Somalis, Marehan expansion since 1969 has mainly come at the expense of the Digle-Mirifle in the Luuq/Bardhere area of the Jubba Valley, and of the Aulihan in pastoral in the Gedo-Middle Jubba regional border. For details, See Menkhaus, "Gedo Region" (1999).

[360] The following summary and analysis of the Garre-Murille conflict is adapted from Menkhaus (2005), pp. 27-35.

pressure, the two clans reached an accord that enshrined open access to pasture throughout the district. But aid agencies on the ground reported that ethnic cleansing at the location level continued and IDP return to home areas, including Mandera town, was slow. Since that time, the two clans have maintained a mutually beneficial alliance and armed incidents between them have been low and successfully contained.[362]

Chronic tensions over access to grazing land and wells were unquestionably a root cause of the Garre-Murille communal violence. A combination of factors – increased population, the displacement of Garre and Murille from Wajir-West and Isiolo back into Mandera, an increase in poorly placed boreholes and the misuse of locations as zones of exclusive grazing land all contributed to land pressures and growing anxiety among and pressure on pastoralists. Though the Garre-Murille clashes have ended, those pressures remain.

In addition, political competition over constituencies and locations were a direct cause of conflict. In 1988 a new constituency, Mandera-Central, was carved out of Mandera-East to provide a seat in parliament for the Murille. Prior to that time, the two constituencies in Mandera were routinely held by the numerically dominant Garre. It was thought that a separate constituency in a mainly Murille zone would serve as a conflict prevention device, by eliminating political competition between the Garre and Murille. Instead, it accelerated it. As elsewhere in the region, MPs wielded authority to pressure the government to expand the number of locations in their constituency as a means of rewarding clients and expanding government services – schools, boreholes and stipends to chiefs. But because the "base" of each MP is his clan or sub-clan, rewards of location chieftainships went exclusively to the clan of the MP. And because control of locations was used to make exclusionist claims on land within the location borders, the net result was widespread ethnic cleansing in the three constituencies of Mandera.[363] Conflict was most acute in locations where valuable, previously shared grazing area was situated.

In the Garre-Murille clashes, competition within the Garre political elite also appears to have played a role. In 2002, both the Mandera-East and Mandera-East constituencies were won by Garre from the Qoranyo sub-clan, one of two main Garre sub-clans (the other being the Tuuf). The Tuuf had previously enjoyed prominence in the political realm and both the sub-clan and its ousted MP, Aden Nur Mohamed, were unhappy with the outcome. Some local observers contend that Aden Nur and his Tuuf supporters sought an alliance with Murille and, in an attempt to demonstrate that the Qoranyo leaders could not rule, provoked security incidents and tensions between the two clans. Adan Nur's successor, MP Billow Kero, filed a statement with the CID accusing Aden Nur of inciting violence and Aden Nur was summoned and questioned by the police. Nur in turn accused Kero of using Garre militia to intimidate rivals.[364]

The Garre-Murille conflict was also entangled in the Garre-Marehan conflict. The Murille of Mandera district have had a long-running relationship with the Marehan sub-clans in the border area, especially the Ali Dheere sub-clan. A series of killings since 2000 and a longer history of rivalry over trade between the Al Dheere and the Garre, led to deteriorating relations between the two groups. When armed clashes between the Marehan and Garre broke out over El Wak in 2005, the Garre suspected Murille complicity with the Marehan, increasing mistrust between the two.

El Wak conflict, 2005.[365] In 2005, a series of clashes broke out between the Garre and Marehan clans along the Somali-Kenya border over the disputed border town of El Wak, a settlement estimated to be home to 2,200 residents at the time of the fighting.[366] Over 90 people died in the fighting and 17,000 refugees and displaced persons fled from the border area to Mandera town. The fight was driven by multiple factors, including efforts by the Garre to maintain their physical presence in Somalia in the face of Marehan pressure in Gedo region, business rivalries over control of cross-border trade at El Wak and competing claims of political jurisdiction over El Wak. Outside interests played a powerful role in driving the fighting, while locals paid the price.

The first round of fighting April 2005 produced 20 deaths. In the second clash, the Garre militia retook the town of El Wak (called Bur Hache by the Garre) on June 12, leaving 43 dead and thousands displaced. A third round of fighting that erupted on July 22 produced 30 deaths and led to the Marehan retaking control of the town. Civilians, including women and children, were among the victims of the fighting.

[361] "Kenya: Conflict over Resources in Border Areas," IRIN (1 August 2005) http://www.irinnews.org/printreport.aspx?reportid=55654.

[362] The most serious recurrence of Garre-Murille clashes occurred in 2008 in Mandera-Central, prompting a government security operation that was accused of taking punitive action against civilians. See "Kenya: Hundreds Injured in Mandera Security Operation: Activist," IRIN (31 October 2008) http://www.irinnews.org/report/81225/kenya-hundreds-injured-in-mandera-security-operation-activist.

[363] ITDG, "30 Killed as Clashes Engulf Mandera," (January 2005) http://www/itdg.org/id+peace6_mandera.

[364] "Government Admits its Inability to Find Cause of Feud in NEP," *Kenya Times* (Jan. 15 2005). MPs from Marsabit were brought in for questioning by the Kenyan police under similar suspicion of incitement following the massacre there in July 2005.

[365] The following summary and analysis of the El Wak conflict is adapted from Menkhaus (2005), pp. 29-36.

[366] El Wak consists of two settlements, one on each side of the border.

The district of El Wak, Somalia is an area where rangeland is controlled by both the Garre and Marehan. The specific sub-clan of the Marehan, which has historically resided in El Wak, the Urmidig, is a minority lineage within the broader Marehan clan.

Prior to 2005, El Wak district was co-habited peacefully by the Garre and Urmidig/Marehan and the two clans shared the town of El Wak.[367] Indeed, local Urmidig/Marehan and Garre clans in El Wak made special efforts to preserve good relations, splitting positions in the district council and police equally and dropping the blood payment in the events of a cross-clan killing from 100 to 40 camels. Intermarriage between the two clans was common as well. These strong co-operative relations between the Garre and Urmidig/Marehan contrasted sharply with the conflict-ridden relations the Garre and Marehan have had with other neighbouring communities.

Beginning in the 1970s, a number of factors began to place pressure on the Garre-Urmidig peace in El Wak. The first was the rise of the Marehan clan to national political power in Somalia under the reign of President Siyad Barre (himself a Marehan) in 1969-1990. Though Gedo region did not enjoy many direct perks from the Barre regime, many Marehan assumed top positions in Mogadishu and formed part of a powerful political, economic and military elite. In Gedo region, this enabled the Marehan to push southward and gradually gain control over vital towns and rangeland at the expense of neighbouring clans such as the Aulihan and Rahanweyn. Neighbouring clans complained that this expansion of Marehan territory and power reflected a strategy of "Marehanisation" of the entire Gedo region.

A second factor was the collapse of the Somali state and the fall of the Marehan from power in 1991, which had an enormous impact on Gedo region. Tens of thousands of Marehan fled Mogadishu and arrived in Gedo region. The displaced Marehan from Mogadishu overwhelmed the local population. They were well armed, generally wealthier, urban, and better organised politically. Though most of the top political and economic elite of the Marehan relocated to Nairobi, the newcomers or *galti* took over political control of Gedo region under the banner of the Somali National Front, or SNF. As the Somali crisis dragged on, tensions between the local Marehan (the *guri*, or original inhabitants) and the *galti* Marehan increased. The *guri* complained that the galti monopolised political power and economic opportunities, were not stakeholders in local peace, pursued agendas that served their interests only and looked down upon the *guri* Marehan as weak and incapable.

In northern Gedo region, the growing rivalry between the *guri* and *galti* Marehan – a rivalry that can only partially be explained along sub-clan lines – manifested itself as a factional struggle between the *galti*-dominated SNF and the Islamist movement *Al-Ittihad Al-Islamiyya* (AIAI). For years, the community of El Wak managed to convince both of the "factions" of AIAI and SNF not to involve themselves in the town. In an interview with elders from El Wak in 1998, they referred to El Wak as a "faction-free zone" and were proud of their ability to keep the small multi-clan town out of the Marehan political fray.[368]

The rise of cross-border commerce between Somalia and Kenya beginning in 1993 is a third factor shaping the conflict in El Wak. This transit trade, which expanded into a highly profitable and high-volume business involving thousands of Somali and Kenyan wholesalers, middlemen, small traders and transporters, initially passed mainly through Beled Hawa/Mandera. But intra-clan clashes and insecurity among the Marehan in northern Gedo region rendered that route increasingly unattractive for a time after 1999, pushing the interstate commerce to other, previously minor trade routes such as the Bardhere-El Wak route, which is over a track road. El Wak became one of the busiest of the half dozen or more trade towns that emerged along the Kenyan-Somali border, replete with small warehouses for storage of non-perishable goods. This increased the value of the previously uninteresting town and attracted the *galti* Marehan from northern Gedo region. By 2005 local residents estimate that about a quarter or more of the Marehan population of El Wak were newcomers, mainly from sub-clans other than the Urmidig. The *galti* Marehan were not stakeholders in the local peace between the Garre and Urmidig and eventually became took actions that helped to trigger the fighting. In addition, the town also attracted a number of businessmen from Mogadishu, mainly from the Haber Gedir and Murosade clans.[369] They established partnerships with Marehan and Garre but have also been accused of stoking rivalries between the Garre and Marehan for their own benefit. Even without external complications, Garre-Marehan competition for control over the lucrative trade and over taxes collected on commerce began to erode previously peaceful relations between the two clans. In sum, cross-border trade increased the value of El Wak town and in so doing increased possibilities of conflict over

[367] As is common in "shared" Somali towns, each clan is clustered on its side of El Wak.

[368] Menkhaus, K "Gedo Region," (Nairobi: UN Development Office for Somalia, December 1999). Later, however, El Wak earned a reputation as a site of Islamist militia operations, including Al Shabaab.

[369] Both Haber Gedir and Murosade are members of the larger Hawiye clan family which today dominates Mogadishu politically and economically.

its resources.

Fourth, political developments in Somalia, Kenya, and Ethiopia each contributed to the spiralling of the Garre-Marehan dispute into an unmanageable armed conflict. In Ethiopia, the Garre have been used by the Ethiopian military to help control their border with Kenya. Some neighbouring groups complained that – like the Marehan – this emboldened the Garre to become more assertive. Marehan insisted that the Kenyan government was complicit with the Garre.

In Somalia, the 2003-05 negotiations over power-sharing in the Transitional Federal Government (TFG) heightened the need for clans to maximise their perceived power and control of territory. For the Marehan, the loss of El Wak to the previously weak Garre was an ill-timed humiliation that hurt them nationally and that could not go unchallenged. For the Garre, loss of control over territory inside Gedo region would essentially push them out of Somali politics. Aside from a community of Garre in Lower Shabelle region, El Wak is the main Garre territory inside Somalia. Loss of that territory to the Marehan would impose enormous political costs of the Garre of Somalia. Politically, then, the stakes were extremely high for both Marehan and Garre over El Wak.

Collectively, these underlying factors combined to create a much more militarised, contentious, and dangerous environment in which to maintain the peace in El Wak and one in which non-local actors had an interested in fomenting conflict.

The trigger of Garre-Marehan armed conflict in December 2004 was a series of murders that were not speedily and satisfactorily resolved by clan elders. Growing levels of suspicion and distrust between the two clans shaped local perceptions of the murders as political acts, making it much more difficult to resolve the deaths through customary blood compensation. Assassinations of prominent businesspeople and professionals spiralled. The Garre, emboldened by the addition of their Ethiopian Garre militia, escalated the crisis by taking El Wak by force in December 2004. Armed clashes were initially limited, as the Marehan opted to retreat, but it was at this point that the local Garre-Urmidig partnership was overwhelmed by broader clan tensions, heightened by the fact that outside Garre and Marehan interests were now increasingly driving decisions.

Unresolved tensions between Marehan and Garre erupted in April 2005 when the Marehan took El Wak in fighting which left 20 dead and over 7,000 displaced. A militia build-up ensued on both sides and on June 12 2005 a well-armed Garre militia retook El Wak in fighting that led to 43 dead and thousands of displaced Marehan.

The Marehan at that point fell into one of three categories. First were those voicing a preference for a negotiated solution to El Wak. This included some – but not all – of the Urdimig clan on El Wak. It also included some of the broader Marehan clan leadership in Gedo region, which wanted to reclaim Marehan co-habitation of El Wak but were wary of the political costs of yet another armed conflict in the region involving the Marehan, especially at a sensitive time in the Somalia TFG. This group was not averse to a militia build-up in Gedo region, but saw that as a means of negotiating from a position of strength. A second group of Marehan were Gedo residents who insisted that the clan must retake El Wak by force to save face and only then could they negotiate a return to co-existence with the Garre. A third group, including Marehan elites in Nairobi and in the Jubba Valley Alliance, viewed the entire crisis through the lens of national rather than local interests. For them, the defeat at El Wak at the hands of the Garre was an embarrassment and a setback to broader Marehan aspirations for power at the national level, in the TFG or in a post-TFG government. The loss had to be reversed decisively to demonstrate the strength of the Marehan generally and to consolidate the long-running Marehan goal of rendering Gedo region into a Marehan regional base, possibly with the longer-term expectation of declaring an autonomous regional administration there. The latter group's interests won out.

Following a month of inflammatory rhetoric from both sides, in which Garre accused the Marehan of El Wak of being Islamist terrorists, while Marehan claimed they were fighting "non-Somali" Ethiopian militias invading Somali territory, the Marehan retook El Wak on July 22. Leading the attack and possibly launching it without the full agreement of Marehan clan leaders in Gedo, was a unit of Marehan militiamen from the Jubba Valley Authority (JVA) in Kismayo. The attack came on two fronts, including one, which crossed into Kenya, a move that apparently took the Garre by surprise and was intended to prevent their retreat across the border. JVA commander Barre Hirale subsequently expressed a willingness to initiate peace talks with the Garre, while disputes arose among the Marehan militia over the distribution of looted camels. A weak Garre counterattack took place two weeks later and was repulsed with no casualties, a possible indication that the move was actually intended to test Marehan responses prior to the launching of yet another attack on the town.

A local truce was subsequently brokered in El Wak, with the Marehan militia withdrawing from the town as a gesture of good faith and some displaced families moved back to the town. The truce and an ensuing peace

accord, was the result of a meeting facilitated by the Mandera District Peace Committee (MDPC) and Beled Hawa NGO consortium. That peace accord has generally been respected and Garre are again resident in El Wak town on the Somalia side of the border.[370] Subsequent efforts to rebuild peaceful and co-operative relations have borne some fruit, drawing on the clear need both sides have in maintaining peace in order for cross-border trade to resume. Cross-border access to education and health services have also been a factor in rebuilding peace.[371] Al Shabaab influence in and around the town of El Wak has also suppressed clan clashes. But Garre-Marehan relations remain tense, exemplified in an incident in 2011 when Somali government forces in the area, tasked with fighting Al Shabaab, instead fought one another, with Garre and Marehan engaging in direct conflict.[372]

Garre-Degodia clashes, 2013-. Last latest and most lethal round of communal clashes in Mandera County and northern portions of Wajir County has pitted the Garre and Degodia clans in clashes. The fighting took place across a wide span of the county, including Rhamu (in the northeast), Banissa (north) Dandu and Takaba (west) and Gunana (south).[373] The first round of fighting occurred in Mandera County in 2013, resulting in 95 deaths and 17,000 displaced. A second round of fighting, mainly in Wajir, produced 75,000 displaced persons and 60 deaths through between May and June 2014.[374]

The conflict has produced dramatically different interpretations of events, historical claims and attributions of blame, some of which will require more time and information before a fair assessment can be reached.[376] Readers are warned that much of what follows in this summary could be contested by one side or the other.[377]

These two adjacent clans have a long history of intermittent armed clashes over pasture, wells and livestock theft. Their relations form part of a much wider galaxy of inter-clans alliances forged and broken as circumstances dictate. Tensions between the two clans were, for instance, heightened in the 1980s when the Degodia forged an alliance of expedience with the Borana of Isiolo, displacing the Garre's previous role with the Borana. Current tensions between the two clans have been driven principally by electoral politics. Up to 2007, the three constituencies in Mandera County were controlled by the Garre and Murille, with two MP seats going to the Garre and one to the Murille. In 2007, four rival Garre politicians ran for the Mandera-Central seat, resulting in the Garre splitting their votes and a Degodia candidate winning the election, unseating a powerful Garre political figure, Billow Kerow (currently serving as Senator for Mandera County). That loss prompted the Garre political leadership to regroup. A 21-man Garre Council of Elders was formed in Nairobi to vet and select Garre candidates they would endorse for each elected position. The Chairmen of the Council was quite open about the strategy, noting in the media that "the idea of minimising competitive politics is to make ensure our internal disagreements do not hamper preparations to take control of the county government."[378] In addition, the Garre and Degodia clans were both accused of transporting large numbers of clansmen from Ethiopia or other constituencies into closely contested constituencies in order to improve odds of winning elections in as many of the six constituencies in Mandera as possible (in 2010, three new constituencies were created). Communal attacks also increased in the lead up to the 2013 elections, with Degodia elders accusing the Garre of engaging in "ethnic cleansing."[379] In February 2012, the border town of Rhamu was the scene of fighting that resulted in half of the town being burned down.[380]

The 2013 elections resulted in a new sweep for the Garre, which took four of the six constituencies, with the Murille holding the two they expected to win. The Degodia were completely shut out and even lost Mandera-North,

[370] Somali CEWERU, "From the Bottom Up: Southern Regions – Perspectives Through Conflict Analysis and Key Political Actors' Mapping of Gedo, Middle Jubba, Lower Jubba, and Lower Shabelle," (September 2013), p. 21 http://www.cewarn.org/attachments/article/214/Somalia%20CEWERU%20Report%20Final.pdf.

[371] Development Alternatives Inc., "Somalis Come Together to Build Community Projects," (February 15, 2013) http://dai.com/news-publications/news/somalis-come-together-build-community-projects.

[372] Adde A, "Fighting Erupts Between TFG Forces in El Wak," *Somalia Report* (13 September 2011) http://www.somaliareport.com/index.php/post/1563/Fighting_Erupts_Between_TFG_Forces_in_El-Wak.

[373] Ibid.

[374] OCHA, "Kenya: Inter-communal Conflict in Wajir and Mandera Counties Update," (23 June 2014). The IFRC has slightly lower estimates for the 2014 clashes; it reports 71,000 displaced and 38 dead in Wajir. IFCR, "Emergnecy Plan of Action: Kenya -- Civil Unrest, Mandera and Wajir" (10 June 2014).

[375] This was reaffirmed by our field interviews, which elicited some strong and polarized views on clan relations and proposed peace provisions between the two. DDG field interview, Mandera, 23 August 2014.

[376] For a good summary of the competeing narratives, see PAMOJA, "Report on the Rapid Community Peace and Reconciliation Dialogues in Mandera County," (June 2013), pp13-23.

[377] Schlee (2007), p420.

[378] Maalim Ali Noor, quoted in Ongeri B, "Mandera Sacrifices Democracy on the Alter of Clannism," *Standard* (10 January 2013). http://www.hiiraan.com/news4/2013/Jan/27634/kenya_mandera_sacrifices_democracy_in_the_altar_of_clannism.aspx.

[379] "MPs Condemn Border Killings in Mandera," *The Star* http://www.the-star.co.ke/news/article-5380/mps-condemn-border-killings-mandera.

[380] DDG, "County Incidents Analysis," derived from INSO bi-weekly reports (unpublished).

[381] Abdi A, "Clans, Conflict, and Devolution in Mandera Kenya," *Insight on Conflict* (October 2014) http://www.insightonconflict.org/2014/10/clans-conflicts-devolution-mandera-finding-durable-solution-conflict-degodia-garre/.

a constituency that was widely viewed as a Degodia demographic stronghold.[381] The Garre emerged from the elections also in possession of the coveted positions of County Governor and Senator, with the Murille holding the position of deputy-governor. The Degodia were entirely shut out and tensions were high. They were aggravated further by inflammatory statements made on social media and websites suggesting that the Mandera County was not for the Degodia and that their political representation should be secured in Wajir County. This reflected the "ethnic exclusivism" logic toward devolution, clans and counties that prevailed across much of northern Kenya in 2013.

Clan clashes intensified in the aftermath of the March 2013 elections. The trigger appears to have been the killing of two secondary school boys near Banissa. This led to revenge killings and then the full-scale armed clashes that erupted in May and June.

Since July 2014, incidents of brief armed clashes and killings between the two clans have continued, but not at the level of full-scale mobilisation. Elders have been quick to intervene in instances of stolen livestock and other incidents that risk spiralling out of control. The Kenyan government has sought to mediate the conflict, including a peacebuilding committee appointed by President Kenyatta in September 2014.[382] The conflict remains unresolved at the time of this writing.

Though this conflict has had little to do with the Al Shabaab terrorist attacks plaguing the county (discussed below), the two have the potential to overlap. The Garre enjoy support from the Ethiopian government and are viewed as allies in the fight against Al Shabaab in Somalia. This could create conditions for the Degodia to turn tactically to Al Shabaab for support against the Garre. Inside Somalia, a well-established pattern exists of aggrieved clans turning to Al Shabaab to strengthen its hand against a more powerful rival. If the two conflicts begin to significantly overlap they could become much more destabilising. Securing a fair and lasting peace between the two clans – not a victor's peace – is the best way to prevent Al Shabaab from exploiting the divisions for its own purposes.

One worrisome development coming from the aftermath of the fighting is a move advocated by some political figures to resettle displaced Garre from Wajir County permanently in Mandera. This is justified as a move to ensure their security, but masks another agenda – the ethnic cleansing of Mandera and Wajir of Degodia and Garre, respectively.

Al Shabaab attacks, 2012-. Al Shabaab began building a network in Kenya – mainly Eastleigh at first –since at least 2007. That network later extended into northern Kenya and the coast. For years, Al Shabaab's network in Kenya served mainly as a source of finances, logistics and recruitment. The group began launching terrorist attacks inside Kenya beginning in 2009.[383] A total of thirteen attacks were launched between 2009 and 2011, mainly grenade attacks on "soft" civilian targets such as bus stations and discos.[384] It was not until the Kenyan military offensive into southern Somalia in October 2011 (Operation Linda Nchi") that Al Shabaab began launching more frequent and deadly terrorist attacks in Kenya. From October 2011 through 2013, Al Shabaab attacks averaged one per week, including a Nairobi bus station bombing in March 2012 that killed six and wounded sixty three,[385] and the Westgate Mall attack in September 2013 that claimed 68 lives. In the period since the Westgate Mall attack, the number of Al Shabaab terrorist acts in Kenya has actually dropped significantly, but the lethality of the attacks has jumped, with a shift toward intentional targeting of non-Muslim Kenyan civilians.[386]

Of the 116 "conflict events" attributed to Al Shabaab in Kenya between 2009 and the end of 2014, 63% (73) occurred in northern Kenyan counties. Prior to 2011, Al Shabaab controlled the border town of Beled Hawa but opted not to engage in cross-border attacks in northern Kenya and is believed to have had an understanding with Kenya defence forces in the Mandera border region.[387] That changed in early 2011, when Al Shabaab launched a series of hit and run attacks and grenade attacks on Kenyan police stations and other installations in retaliation for Kenyan government support to and training of TFG military units in Kenya.[388] The frequent claim that Al Shabaab

[382] Kass, "Statement on the Degodia and Garre Conflict in Mandera and Wajir Counties," (19 September 2014) http://kassfm.co.ke/home/index.php/component/k2/item/1410-statement-on-the-degodia-and-garre-conflict-in-mandera-and-wajir-counties.html.

[383] The exact number of Al Shabaab attacks is a matter of debate, as in some cases other actors may have orchestrated am attack and blamed Al Shabaab, while in other cases Al Shabaab may have been behind an assassination but opted not to make their role public.

[384] Stratfor, "Al Shabaab's Threat to Kenya," (26 April 2012) https://www.stratfor.com/weekly/al-shabaabs-threat-kenya ACLED (2013), p7.

[385] Ibid.

[386] ACLED (2013), p. 6. See also Daveed Gartenstein-Ross and Henry Appel, "Al-Shabaab's Insurgency in Somalia: A Data-based Snapshot," Georgetown Journal of International Affairs (April 2014). Accessed at: http://www.defenddemocracy.org/media-hit/gartenstein-ross-daveed-al-shabaabs-insurgency-in-somalia-a-data-based-snapshot/ Gartenstein-Ross and Appel found that while Al Shabaab had launched 50 terrorist attacks in Kenya from October 2012 to September 2013, following the Westgate Mall attack it mounted only 8 attacks through February 2014.

[387] Crisis Group (2014) p3.

[388] Ibid., p3, fn 7.

attacks in Kenya are a reaction to the Kenyan military offensive into Somalia are thus not entirely true – the group resorted to armed violence against Kenya as soon as the Kenyan government was perceived as taking actions hostile to Al Shabaab's interests.[389] Al Shabaab expanded its terrorist targeting post-2011 in northern Kenya with increased attacks on churches and other civilian targets.

Most Al Shabaab attacks in northern Kenya have been in Garissa County, but Mandera County has suffered the most lethal attacks, especially in late 2014. Two major attacks were especially significant. The first occurred on November 22, 2014, when a bus bound for Nairobi was stopped by Al Shabaab militia, which separated Muslim and non-Muslim passengers and executed all 28 non-Muslim passengers.[390] That attack was followed shortly afterwards by a massacre of 36 non-local, non-Muslim Kenya workers at a quarry in Mandera County on December 1. Al Shabaab claimed responsibility for the massacres, in which individuals were shot execution style or in some cases beheaded, as retribution for Kenyan Defence Forces' "atrocities" inside Somalia, including airstrikes targeting Al Shabaab that resulted in civilian casualties.[391] The assailants allegedly fled across the Somali border after the attack.

These attacks reflect a wider shift in tactics by Al Shabaaab to target non-Muslim Kenyan civilians in execution-style killing.[392] They appear designed to provoke maximum outrage in Kenya, polarise Muslim-Christian relations in Kenya and hit Kenya hard economically by frightening away tourists and potential investors in the LAPSSET project. On all these fronts they have at least temporarily succeeded. Al Shabaab has a powerful interest in framing, or re-framing, its armed struggle as a war of oppressed Muslims against a Christian-dominated, repressive Kenyan state. This reframing allows it to neutralise opposition to Al Shabaab from within Somali and Muslim quarters and to cast any Somali movement that opposes it (such as the Ras Kamboni militia and the Somali Federal Government) as lackeys of the Kenyans, Ethiopians and the West. It is also intended to provoke heavy-handed Kenyan security responses against Kenyan Somalis and Muslims, which have fuelled deep resentment among those Kenyan constituencies and which have earned Al Shabaab a certain level of sympathy, passive support and even recruits.[393]

Government security responses to the threat of violent extremism (manifested in Al Shabaab and its Kenya affiliate Al Hijra) in Mandera County have been expanded since the Westgate Mall attack in September 2012 and have been heavy-handed, producing exactly the kinds of resentments and alienation among Somali Kenyans that Al Shabaab is hoping to generate.[394]

Because these attacks are so recent, only fragmentary evidence is available, making analysis of the long-term implications tentative. Several issues merit continued monitoring. The first is long-term Somali and Somali-Kenyan reaction to these attacks. While Al Shabaab appears to have used the attacks to drive a wedge between the Kenyan government and Somali Kenyans in the short run, the execution style massacres of civilians is a high risk tactic for Al Shabaab, one which could ultimately alienate Somali Kenyans and lead to blowback from the Somali Kenyan community. The very high economic costs borne by Somalis and Somali Kenyans for these attacks could also work against the group if Somali business leaders mobilise against them.

Second, it is unknown at present if Al Shabaab has parleyed its ability to present a lethal threat to civilians in Mandera County into a capacity to demand and receive protection money or other concessions from prominent Somali Kenyans, including elected Mandera County government officials. This is a well-established pattern in parts of Somalia, so could conceivably occur in parts of northern Kenya where the group has established an ability to make good on security threats.

Third, the late 2014 attacks in Mandera have created a major crisis in education, health and social service provision across the county (and into other parts of northern Kenya), as hundreds of non-local teachers and other professionals have fled the county and refuse to return for reasons of personal safety. The county lacks sufficient numbers of trained local residents to fill these gaps. The long-term implications of the deterioration of basic service and the partial purging of northern Kenya of up-country Kenyan professionals are worth careful monitoring.

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[389] For an example of the argument that Al Shabaab's attacks in Kenya are "blowback" from the Kenyan military invasion of southern Somalia, see David Anderson and Jacob McKnight, "Kenya at War: Al Shabaab and its Enemies in East Africa," African Affairs vol. 114, no. 454 (December 2014), pp, 1-27.

[390] "Somali Islamists Execute 28 Non-Muslims on Kenyan Bus," Reuters (22 November 2014) http://www.reuters.com/article/2014/11/22/us-kenya-attacks-idUSKCN0J604W20141122.

[391] "Al Shabaab Massacres Non-Muslims at Kenya Quarry," BBC (2 December 2014) http://www.bbc.com/news/world-africa-30288137.

[392] The group launched a similar attack on the coast at Mpekatoni in June 2014, which resulted in at least 50 deaths.

[393] International Crisis Group (2014).

[394] Ibid.; and Human Rights Watch, "You Are All Terrorists: Kenya Police Abuse of Refugees in Nairobi," (NY: HRW, 2013) http://www.hrw.org/sites/default/files/reports/kenya0513_ForUpload_0_0.pdf.

CURRENT CONFLICT ASSESSMENT

Short-term prospects for conflict management and prevention in Mandera County appear poor. Al Shabaab retains both the capacity and intent to launch disruptive and lethal attacks, enough to perpetuate conditions of tension between the government and local populations and keep most non-local Kenyans away, exacerbating weak government service provision. Statements and actions by clan and political leaders have not yet suggested a willingness to pursue peace and share power in the county and with the Garre holding most of the cards they have little incentive to make concessions. The initial pattern of political devolution set by political elites – ethnic exclusivism – is also not a promising start for county governance. Far from resolving issues of political rights and clan in the county the recent clashes there have sowed seeds of future conflict. The history of shifting clan alliances in the area guarantees that empowered clans will eventually face challenges from aggrieved clans.

UNDERLYING CONFLICT DRIVERS

For the most part, Mandera County's recent history of armed conflict is fuelled by most of the same underlying and proximate causes of conflict that affect the rest of northern Kenya.

- **Competition over land.** Mandera County is arid and prone to drought. Clans in the area have been in chronic armed clashes over access to land and water access.
- **Widely divergent communal narratives on rights, land and history**. Compromise has been made more difficult by the fact that very different interpretations circulate over who was on what land first and who has rights in which county and constituency. These narratives have been reinforced with very inflammatory and chauvinistic rhetoric on the internet and social media.
- **Population migration and movements.** All of the major clans in the area have been accused by rivals of destabilising in-migration, some of which has been to increase clan numbers, some of which has been a function of urbanisation and the desire to settle in Mandera town.
- **Unemployment.** Very high levels of unemployment in urban settlements make it easy for armed groups of all types to recruit fighters.
- **Political contestation for control of county government and constituencies.** Mandera County has seen exceptionally aggressive efforts by clans and their Nairobi-based political elites to monopolise political power over the county and the seats it provides in the national assembly.
- **Political manipulation of communal tensions.** Related to the above conflict driver, Mandera County's communal clashes have seen a very high level of political manipulation of local clans to engage in fights for causes principally or exclusively benefiting distant elite political figures. War by 'remote control," as Somali Kenyans put it, has been critical especially over the past fifteen years.
- **Radicalisation.** This has not been a factor in most of the county's armed clashes to date, but merits attention as Al Shabaab continues to look for support, allies and recruits in the county.
- **Cross-border drivers.** Arms smuggling, recruitment of fighters, politically-driven efforts to promote cross-border migration, use of borders for safe haven and the powerful presence of Ethiopian Defence Force, Kenyan Defence Force and Al Shabaab in the border areas all reflect the importance of cross-border conflict drivers in Mandera County.

TRIGGERS OF CONFLICT

- **Elections.** Elections – both the run-up to elections and the aftermath of elections – have been the main triggers of politically-instigated communal violence in Mandera County. The high stakes involved in control of county budgets and positions in the Kenyan parliament and the ability of clans to parley political control over constituencies and the county into wider claims of exclusive clan rights, will continue to make elections an especially sensitive moment in the county.
- **Unresolved killings.** Inadequate or indifferent response to cross-clan killings has been responsible for subsequent revenge killings that have spiralled into wider communal violence.
- **Road construction.** Roads built to territory disputed by clans or counties (or clans using counties as a surrogate for their claims) have been a trigger of recent conflict.
- **Establishment of settlements.** This was cited as a trigger of the Garre-Degodia fighting, specifically in the

disputed and sensitive Mandera-North constituency. Rival clans are seeking to “mark” territory as theirs with small settlements. Their proliferation raises tensions in disputed zones.

- **Kenyan government arrests or killing of Islamist figures**. Al Shabaab has on several occasions launched raids and attacks inside Mandera County in response to Kenyan security forces arresting or killing prominent Muslim clerics suspected of supporting Al Shabaab.

APPENDIX C: WAJIR COUNTY CONFLICT ASSESSMENT

SUMMARY

Wajir county suffers from most of the same conflict dynamics and pressures facing other counties in northern Kenya, including land pressures and disputes and political contestation over county government and constituencies, but its political and civic leadership have been more committed to and more successful at managing these pressures to reduce actual instances of armed conflict. Those local coping mechanisms are being put to the test with the recent outbreak of fighting and ethnic cleansing between the Garre and Degodia that spilled over from Mandera County in 2013-14. The county is better positioned than its neighbours to manage tensions arising from elections in the county. It is not however free from concerns that an increase in the value of land due to oil exploration could exacerbate unresolved clan disputes over territory. Clan tensions over allocation of power, jobs and land continue to simmer.

BACKGROUND

Demographics. Wajir is a thinly populated, mainly pastoral county in northern Kenya. The population was recorded at only 122,800 in the 1989 census, but in the most recent 2009 census has a population of 661,900 (see Mandera County case study, demographics, for discussion of the reliability of the census).[395] Only 14% of the population is urban.[396] The main urban settlement is Wajir town, but there are 71 settlements in total, of which 26 are new since 1996.[397]

The vast majority of the county population is ethnically Somali, with three Somali clans predominant: the Ajuraan, Degodia and Ogaden. Other clans, including the Garre, are present in smaller numbers, as are non-local, non-Somali Kenyans working for short periods in the county mainly in government and social service professions.

The Ajuraan consider themselves to be the "original" inhabitant of the area (though they pushed out Borana over a century ago) and view the Degodia in particular as more recent arrivals, when the Degodia were pushed out of parts of Isiolo district in the 1980s. The shift in power in the county that has resulted in Degodia taking a lion's share of government positions remains a deep grievance among the Ajuraan and a potential conflict issue.[398]

Borderlands. The county stretches from the border of Ethiopia southward to Garissa County. It borders Somalia to the east, Isiolo and Marsabit counties to the East and Mandera County to the northeast. This gives it two critical border features – first, the fact that it possesses two international borders makes the County very susceptible to cross-border spill over of conflict and second, the county has an unusually high number of internal borders with neighbouring Kenyan counties to manage. In recent years, the Kenyan internal borders have been a much bigger source of conflict. Every one of Wajir's borders with other counties is contested and in a number of locations those contested borders involve oil exploration sites or high value seasonal river wadis. Its border with Somalia includes areas where both Al Shabaab and Kenyan Defence Forces are active. More than most counties, Wajir has had to manage conflict dynamics emanating more from without the county than from within.

Land and Livelihoods. Wajir is hot and arid, with no perennially flowing rivers within its borders. Rainfall averages 370mm annually; northern areas of the county are somewhat drier compared to the southern parts of the county. As with other parts of northern Kenya, rainfall is highly variable and droughts as well as floods are common. The majority of the population earn a living as pastoralists. Rainfed farming is very limited, but some farming is practiced along seasonal river beds. Wajir town is the site of commercial, service sector and civil service employment. Some cross-border trade passes through Wajir from Somalia, but it is modest compared to flows crossing at Mandera and Dobley to the north and south.

Wajir is the third poorest county in Kenya, after Turkana and Mandera, with 85% of the population falling below the poverty line.[399]

Wajir is served by an international airport where in-bound flights land from Somalia to Kenya's Nairobi airports (for security checks and passport control); the Kenyan air force also uses the airport. The county is served by an unpaved highway linking it to El Wak and Mandera town to the northeast and westward to Isiolo and up-country Kenya.

[395] "City Population: Wajir County" http://www.citypopulation.de/php/kenya-admin.php?adm2id=08; Geo-hive, "Kenya" http://www.geohive.com/cntry/kenya.aspx.

[396] Kenya Open Data, "Data Sheet: Wajir" https://www.opendata.go.ke/facet/counties/Wajir.

[397] Walker R and Omar HG, "Pastoralists Under Pressure: The Politics of Sedentarisation and Marginalisation in Wajir District, Northeast Kenya" (Nairobi: Oxfam-GB, July 2002), pp9, 18.

[398] DDG Interview, Wajir, 13 August 2014.

[399] KIPPRA (2013), p21.

Administrative Units. Wajir County is divided into six constituencies: Wajir East, Wajir West, Wajir North, Wajir South, Eldas and Tarbaj.

RECENT HISTORY OF CONFLICT AND POLITICAL VIOLENCE

Wajir, like the rest of northern Kenya, has long been the site of episodic communal struggles over rangeland and wells. Land pressure was worsened in the 1980s when the Degodia were pushed out of Isiolo district and into Wajir by the Borana. Anxiety over land access is clearly a major underlying factor in district conflicts.

Wagalla massacre, 1984. In February 1984, Kenyan security forces engaged in a disarmament operation against the Degodia clan in Wajir that culminated in the brutal deaths of hundreds of Degodia adult males at the Wajir airstrip. This collective punishment operation also produced a campaign of beatings, rape, looting of livestock and burning of property.[400] The Kenyan Truth, Justice and Reconciliation Commission report of 2013 concludes that the operation was sanctioned at high levels of the Kenyan government and that the orders from the then Provincial Governor were for suspected populations to be "treated mercilessly."[401]

Details of the massacre are difficult to verify and are the subject of intense debate, in part because of a continued "wall of silence" from key Kenyan government agencies.[402] It is agreed that the operation was part of a government response to worsening Ajuraan-Degodia clashes over land in Wajir and a refusal by the Degodia to accept a government disarmament campaign. Causality totals range from as low as 57 deaths (the official government claim, later revised upward to 380) to 5,000 deaths (a figure that floats around Somali Kenyan websites). The Commission estimates that close to a thousand may have died, but cannot confirm that.[403] Likewise, while all agree that the massacre targeted Degodia adult males and that it involved forcing them to lay on the hot tarmac naked at the airstrip where many eventually died of heat stroke, the specific individuals responsible for the massacre remain the subject of debate.

The Wagalla massacre has become a major rallying cry on the part of Kenyan Somalis, who use it to point to government repression of Kenyan Somalis and who demand justice and compensation. Hannah Whittaker contends that it remains highly sensitive in northern Kenyan clan politics, as a high ranking military official who may have had a hand in the planning of the operation was a Kenyan Somali from a neighbouring Ogaden clan.[404] The weakening of the Degodia in the aftermath of the massacre was a factor in driving the clan to seek alliance with the Boran in Isiolo and Moyale, discussed below.

Ajuraan-Degodia communal clashes 1992-94.[405] Violence erupted in Wajir in the 1992-1994 period, making it the most conflict-ridden and insecure area of northern Kenya during that period of time. Multiple factors combined to produce the explosion of conflict: (1) enduring pressures on the land; (2) the withdrawal of most of the Kenya security sector from northern Kenya following the lifting of emergency laws in the province in 1992, which left the northeast with weak security; (3) the Somali civil war, which spilled over into Wajir district with arms flows, armed militia, criminal gangs and highly politicised refugees; and (4) the introduction of competitive multi-party elections for seat in parliament in Kenya. This last factor was especially critical. The clashes which erupted in 1992 and 1993 between the Degodia, Ajuraan and Ogaden clans were driven above all by competition over MP constituencies and fears that victory by rival clans would institutionalise that rival's hold on resources and eventually disenfranchise the losers.

In Wajir-West constituency, tensions between the Degodia and Ajuraan had already led to an alarming level of assassinations in the 1980s, rendering the area one of the most unstable in Kenya. In 1992, the demographically ascendant Degodia clan sought to increase its numbers by bringing in Degodia from outside the constituency to vote, in some cases even from Ethiopia. It won the seat and the Ajuraan loss was seen as a sign of the declining fortunes of the Ajuraan. Degodia chiefs were subsequently appointed to an exploding number of new locations, thanks to the influence of the MP. For the Degodia, this was merely a function of time-honoured political patronage by an MP in service to his base, a practice occurring across much of Kenya. For the Ajuraan, it appeared to be a

[400] Sheikh A, Blood on the Runway: The Wagalla Massacre of 1984 (Nairobi: Northern Publishing House, 2007); and Human Rights Watch, "Taking Liberties" (New York: HRW, 1991).

[401] TJRC-Kenya (2013), p19.

[403] Ibid p20.

[403] Ibid p18. See also Human Rights Watch, "Bring the Gun Or You'll Die: Torture, Rape, and Other Serious Human Rights Violations by Kenyan Security Forces in the Mandera Triangle," (New York: HRW, 2009), p13.

[404] Whittaker H, Insurgency and Counter-Insurgency in Kenya: A Social History of the Shifta Conflict, 1963-1968 (London: Brill, 2014), p140; and David Anderson, "Remembering Wagalla: State Violence in Northern Kenya, 1962-1991," Journal of Eastern African Studies 8 (2014), p5.

[405] Portions of this section are adapted from Menkhaus (2005), pp20-24.

large-scale, politically-sanctioned land grab at their expense. The ethnic clashes that ensued rocked much of Wajir district, spreading to other clans and overwhelming local government. Violence even spread among the market women in Wajir town. From 1992 to 1995, a total of 500 businesses in Wajir were looted or destroyed; livestock estimated at a value of $900,000 were lost to rustling; and Wajir town was nearly emptied of professionals and middle-class residents. An estimated 1200 residents died in that fighting.[406] During that period, 165 civil servants and teachers either left their posts or refused to go when assigned to Wajir, an earlier instance of the same phenomenon now occurring in Mandera.[407] Wajir was the epicentre of the descent of much of Northeast Province into anarchy.

What happened next is one of the more extraordinary turn of events in northern Kenya and is well-documented in print and film.[408] A small women's civic group helped set in motion a peace process which eventually culminated not only in a relatively durable peace among the three main clans in Wajir, but also helped produce a new type of civic-government partnership for conflict management that went on to become a model for peace committees throughout much of Kenya.

The Wajir Women for Peace Group was formed to stop the fighting in the market area and was expanded to include other women in the town.[409] This women's group was then joined by a group of professionals who formed the multi-clan Wajir Peace Group (WPG), with members from all clans in the district. They facilitated a meeting of clan elders from all the lineages in the district which culminated in the Al Fatah declaration, which set out guidelines for the return of peace and future relations between the clans. Other groups also began to form, involving elders and youth, while a group of businessmen began raising money for peace activities.

In April 1994, a new DC was appointed to Wajir, who sought to partner with local civic groups and traditional authorities to keep the peace. A rapid response team composed of both government and civic leaders was formed on the assumption that early response could prevent many manageable conflicts from spiralling out of control. Disputes were handled not according to the letter of Kenyan penal code, but "the Somali way" – customary law and blood compensation payment was utilised to manage murders and collective punishment in the form of confiscation of a clan's cattle until a culprit was apprehended and stolen animals or goods returned. The result was a steady decline in banditry and crime. While the deeper, underlying conflict drivers were not addressed, at least one of the main triggers of communal violence – violent crime – was greatly reduced.

The Wajir experiment in civic-governmental collaboration – or, in some respects, government sub-contracting out of key functions to local civic and traditional authorities – was formalised via a decision to unite the peace groups as a sub-committee of the District Development Committee (DDC), a forum within the district administration bringing together government and civil society. The Wajir Peace and Development Committee (WPDC) was also established in 1995. Chaired by the District Commissioner, it included representatives from the District Security Committee, heads of government departments, NGOs, elders, women, youth, religious leaders, the business community and the district's four MPs. The committee formed an umbrella of different peace activities in the district, enshrining civic-local government collaboration while giving official government blessing to largely autonomous civic and traditional action on matters normally considered core functions of the state – policing, the judiciary (even over capital offenses like murder, employing extra-constitutional customary law) and cross-border diplomacy. In the process, social groups not normally given voice in formal government – elders, women and youth – were accorded a central place in the civic-government collaboration. The WPDC also catalysed traditional clan elders in the district to form a ten-man "Council of Elders," allowing them to routinise communication and collaboration. Over time, the WPDC received support from international donors.

The WPDC was unquestionably instrumental in the turnaround of Wajir district from one of the most anarchic to one of the more stable border zones of Kenya within the span of a few years. It served as a model for similar experiments with peace committees throughout other troubled rural areas of Kenya. The WPDC was not, however, in a position to prevent large-scale communal clashes nor address the underlying causes of armed conflict in the region. It was, in other words, more effective at conflict management and crime prevention than conflict prevention.

Meanwhile, relations between the Ajuraan and Degodia were stabilised and no major armed clashes occurred

[406] Constitition and Reform Education Consortium (CRECO), "Building a Culture of Peace in Kenya: Baseline Report on Conflict Mapping and Profiles of 47 Counties in Kenya," (Nairobi: CRECO, 2012), p32.

[407] Ibrahim D and Jenner J, "Wajir Community-based Conflict Management," paper presented to the USAID Conference "Conflict Resolution in the Greater Horn of Africa (June 1997).

[408] A documentary film entitled "The Wajir Story" was produced by Trojan Horse Productions and commissioned by Responding to Conflict.

[409] This section draws extensively on Ibrahim and Jenner (1997).

between the two after 1994. In an effort to resolve the source of the conflict – the MP seat over which the two clans fought – the Kenyan government created a new parliamentary constituency, Wajir-North, intended to give the Ajuraan their "own" seat in parliament. This tactic, embraced at the urging of many Somali Kenyan politicians, resulted in Wajir district sporting four constituencies, with the understanding that each would be controlled one clan (or rotated between two clans, in the case of Wajir-West): Wajir-North (Ajuraan); Wajir-East (Degodia); Wajir-South (Ogaden); and Wajir-West (split between Ajuraan and Degodia). The Ajuraan were split over the proposal to assign them a constituency; some worried that this not only failed to address another underlying cause of the conflict – grazing land and access to resources – but actually institutionalised the loss of Ajuraan of land to the Degodia, who, as one Ajuraan figure put it to the Kenyan media, "are aliens to the area."[410] Recently, two new constituencies have been added, Tarbaj (won by a Degodia candidate) and Eldas (won by an Ogaden candidate).

Bagalla Massacre, 1998. In October 1998, a Boran attack on Degodia in the border area of northern Wajir and Moyale district resulted in enormous casualties – 187 deaths (87 men, 51 women, 50 children) and the theft of between 3,000 and 15,000 head of livestock.[411] The attack is said to be either retaliation for an ambush on a Boran-owned truck that led to nine deaths and was blamed on the Degodia, or over Degodia-Boran disputes over rangeland, but a complex cocktail of other factors were at play.

For a decade prior to the Begalla massacre, the Degodia clan – which in earlier times had been an adversary of the Boran -- had successfully sought to align themselves with the Boran as allies, even to the point of claiming the Degodia were a branch of the Boran, though one that spoke Somali.[412] This alliance reflected Degodia weakness in the aftermath of the Wagalla massacre of 1984 and anxiety that they were being squeezed by multiple rival Somali clans (the Garre, Ajuraan and Aulihan) and that being a strong ally of the Boran Oromo would give them a powerful counterbalance to Somali encroachments that were hammering the Boran as well. The Boran in Isiolo and Moyale found this to be a useful alliance against common rivals.

By the late 1990s, however, the Boran-Degodia alliance began to fray, mainly due to calculations by the Boran. First, tensions arose over the presence and impact of Degodia camels in Moyale district, made worse by the fact that another new ally of the Boran, the Gabra Miigo, were also camel pastoralists and hence competed for the same resources with the Degodia. Second, the Degodia who took advantage of the alliance to move people and herds into Isiolo district with Boran permission immediately pressed an elected Degodia district MP, which the local Boran viewed as a power grab. That led to clashes between the Boran and Degodia in the early 1990s.[413] Third, the Ethiopian government backed a popular assembly among the Kenyan Boran and supported a Boran leader who argued against Boran support of the Oromo Liberation Front, or OLF. Upon losing Boran support, the OLF sought refuge among the Degodia, an association which became dangerous for the Degodia.

The actual massacre was carefully planned and premeditated and is believed to have been executed by Boran from Ethiopia. A large number of Boran pastoralists moved their herds into portions of northern Wajir district, near the Ethiopian border and called for an assembly with the Degodia. When the Degodia assembled, the Boran opened fire and massacred the group.[414]

Subsequently, the Ethiopian government issued a statement condemning the attack and denying its security forces were involved. A Kenyan government investigation concluded that in fact the OLF had been operating among the Degodia.[415]

The short-lived and – for the Degodia – tragic alliance with the Boran is a powerful illustration of the extent to which county politics and patterns of communal peace and conflict are driven by alliances of expediency, which can even involve clans invoking a new ethnic identity if needed. As noted in the Isiolo county case, however, the Boran and Somalis have formed an alliance in Isiolo politics, so a truce prevails in the aftermath of the massacre.

Ajuraan-Garre clashes, 2000-01. The 1992-1993 Wajir conflict left a legacy of secondary conflict issues which were not resolved and eventually produced armed clashes between the Ajuraan and Garre in 2000. The fact that

[410] Quoted in Umar, "Resource Utilization" (1997), p18.

[411] Schlee (2007), p421. Other sources cite somewhat different figures – the Kenyan government inquiry into the massacre estimated 124 people die in the attack. See IRIN, "Ethiopia: Kenya Confirms Presence of Oromo Rebels," (23 June 1999) http://www.irinnews.org/report/7511/ethiopia-kenya-confirms-presence-of-oromo-rebels

[412] This kind of creative re-engineering of ethnic identity and lineage affiliation is not uncommon in southern Somalia and northern Kenya, especially among the communities living in the space where the Boran/Oromo and Somali peoples meet. Schlee (2007), p419. Most of this description of the Degodia-Boran alliance and then fight is derived from Schlee's excellent account.

[413] Whittaker (2014), p141.

[414] Ibid.

[415] IRIN, "Kenya Conforms Presence" (1999).

the Garre clan had quietly sided with the Degodia in the 1992 election and clashes remained a festering grievance within the Ajuraan; the Ajuraan responded by using their new power in Wajir-North constituency to push the Garre out of the area, employing the same misuse of administrative (or in this case electoral) units to engage in ethnic cleansing that they feared would occur at their expense in Wajir-West. The Ajuraan also forged a new alliance with the Boran, a rival of both the Garre and the Degodia.

The two clans clashed first in Ethiopia and Moyale district in March 2000, sparked by a killing and then a mine explosion in Ethiopia that killed 12 Garre. The violence that ensued involved gruesome killings and mutilation of corpses and clashes in Moyale. In April, 37 Garre died in clashes near Dolo, Ethiopia. In Wajir town, protests composed of the three major clans – Ajuraan, Degodia and Ogaden – demanded that the Garre leave Wajir district. Many Garre fled to Moyale.[416]

In July 2000, the fight spread into northern Wajir district. The clashes were sparked by a spiralling cycle of banditry raids and counter-raids, involving as many as 100 armed men and producing 30 deaths.[417] The violence continued into early 2001, when Ajuraan residents of north Wajir were the victims of a cross-border raid, reportedly involving gunman dressed in Ethiopian military uniforms (suspected to be Ethiopian Garre). Fifteen villagers died, 3,300 were displaced and 15,000 cattle were stolen and moved back across the Ethiopian border in the attack.[418] Garre and Ajuraan tensions over grazing land, control of constituencies and locations and ethnic cleansing in Wajir-West were sparked in the latter case by a dispute over a newly declared location along the border of Wajir and Mandera districts. Garre clan leaders and administrators sought to settle Garre there, while the Ajuraan expected that the location would be theirs to govern by dint of their control over Wajir-West constituency. Because the Ires Teno location is the site of valuable grazing land, the stakes were high for the two clans, helping to spark renewed violence. Adding to the conflict is the fact that the disputed territory is adjacent to the Ethiopian border. The two clans were able to call on Ethiopian kinsmen for aid against their rivals, introducing outside elements into the conflict who were not stakeholders in local peace, who were principally motivated by the opportunity to loot and who could return across the Ethiopian border to avoid retaliation or arrest. This placed the conflict beyond the ability of both the WPDC and the Kenyan government to manage. The cross-border dimension to the conflict was complicated still further by the fact that the Garre accused the Ajuraan of harbouring OLF militia, which the Ajuraan denied, but which was likely a factor in Ethiopian government tacit support of or acquiescence to Ethiopian Garre irregulars engaging in the cross-border attacks.[419]

Garre-Degodia clashes 2013-14. The most recent outbreak of fighting and displacement in Wajir is spill over from the heightened tensions and clashes between the Degodia and Garre in neighbouring Mandera County. The dynamics of that conflict are covered in detail in the Mandera county case study (see above) and so will not be repeated here. Only aspects of the clashes that directly impact Wajir are noted here.

First, among the claims made about the trigger to the fighting, one involves an action taken in Wajir – namely, the building of a track road linking the town of Wajir to a disputed settlement in the border area with Mandera county. The area under dispute was claimed by both Garre and Degodia and the road was seen by the Garre as a move by the Degodia to "mark" the area as theirs with the feeder road. This serves as a reminder of how sensitive demarcators of clan claims on land can be.

Second, the fighting and ethnic cleansing which erupted in Mandera in 2013 spread into Wajir county in June 2014. Most of the clashes in Wajir County occurred in the Wajir North – at Burmayo, Dunto, Ogorale and Gunana. But clashes also broke out in Wajir town itself.[420] The fighting produced 38 dead and about 71,000 displaced persons.[421]

Since the summer of 2014, a ceasefire has been brokered by a government-appointed peace commission, a women's peace group has formed to promote reconciliation between the two clans and efforts are underway to facilitate the return of displaced households.

Violent extremism, 2013-. Wajir County has experienced fewer instances of Al Shabaab terrorism than has it neighbours Mandera and Garissa, counties, but several incidents have occurred in Wajir in the past year. In

[416] Schlee (2007), pp425-7.

[417] Okono T, "Kenya Clan Fight Leaves 30 Dead," PANA news service ((July 21 2000).

[418] "Life in the Shadow of Bandit Attacks," Kenyan *Daily Nation* (January 13, 2001).

[419] Ibid.

[420] OCHA, "Kenya: Inter-Communal Conflict." (2014).

[421] IFCR, "Emergency Plan of Action: Kenya -- Civil Unrest, Mandera and Wajir" (10 June 2014).

November 2014, shots were fired at 3 non-local Kenyans chewing qat in Wajir town, resulting in one injury. Two weeks later a club frequented by non-local Kenyans was attacked with a grenade and gunshots, resulting in 1 dead and 13 injured.

The targeting of non-Muslims in Mandera and Wajir has led to some non-local Kenyans departing Wajir, creating a shortage of teachers and other professionals in critical social sevices.

Other border disputes, 2012-. Wajir faces border disputes with all of its neighbouring counties, several of which are tethered to competing clan claims on the land. In the south, the valuable border with Garissa County and Lagdhere constituency, is under dispute. The border area includes the Ewaso Nyira River and valuable watering holes and farmland. Boreholes and settlements established by rival Makabul and Aulihan clans (both of the larger Ogaden clan) have triggered armed incidents resulting in several minor clashes and attracting government mediation.[422]

To the west, the Wajir border with Isiolo is under dispute and is the site of oil exploration as well (see Isiolo case study). That border is also the site of a tax revolt by Somali residents on the Isiolo side of the border, who insist they will only pay taxes to Wajir County.

CURRENT CONFLICT ASSESSMENT

More than any other county in northern Kenya, the civic leadership of Wajir County has worked very hard to maintain peace in the face of challenging conflict pressures. The Peace and Development Committee that was instrumental in ending clashes in 1992-94 and building sustained peace for most of the ensuing decade reflects that strong commitment by county elites to peacebuilding. With the advent of multi-party democracy in the 1990s and devolution in 2013, that same elite compact has been active in ensuring that elections do not produce communal clashes. Unlike in neighbouring Mandera county, where a council of top clan and political leaders meet in advance of the election to plan how best to ensure clan hegemony over the county, in Wajir clan elders met in advance of the election to negotiate which elected positions would go to which clan and which constituencies would be controlled by which clan. The result was an election in Wajir district that was not ideal from a democratic perspective, but which successfully privileged peace maintenance. Despite the setback of Garre-Degodia violence in parts of Wajir that basic elite compact between the three main clans of the Ajuraan, Degodia and Ogaden is still intact. That gives Wajir a better chance of managing political devolution successfully and surviving the next round of elections without politically-instigated violence.

But the 2013 elections also served to solidify Degodia political dominance in the county, as the clan took four of the six constituencies as well as the governor position. For the Ajuraan, this is the latest in a series of signs that a territory they consider their historic domain has been taken over by a rival.[423] That grievance could form the basis for conflict down the road.

A key development to monitor in Wajir is the status and rights of the Garre clan, in the aftermath of the 2013-14 clashes. If a "cosmopolitan" solution is embraced and Garre are welcomed back to Wajir town as full and protected county citizens that will set a precedent that could have positive implications for peacebuilding in Mandera County. If the Garre are marginalised or pushed out, Wajir will be part of a discouraging trend toward the territorialisation of ethnic identity along county and constituency lines that appears to be gaining momentum across much of northern Kenya.

Wajir county leaders are not in a position to do much to control periodic Al Shabaab tactics of terrorism, which are likely to continue. That will frighten off non-local professionals and much needed private sector investment, putting an added strain on an already very poor economy.

The border disputes with neighbouring counties will require effective action by the central government, which must demarcate disputed borders expeditiously.

Overall, Wajir County has the best potential of all of the northern Kenya countries for maintaining stability and a positive peace.

[422] Boniface Ongeri, "Boundary Dispute Tears Wajir Clans Apart," *Standard* (30 August 2012) http://www.standardmedia.co.ke/lifestyle/article/2000065029/boundary-dispute-tears-wajir-clans-apart?pageNo=3.

[423] DDG interview, Wajir, 23 August 2014.

UNDERLYING CAUSES OF CONFLICT

The underlying factors predisposing Wajir County to armed conflict are similar to most of northern Kenya. The most important factors include:

- **Land and water scarcity and competition.** Intense competition for access to high value pasture and wells is a chronic source of stress and conflict in the pastoral sector. As elsewhere in northern Kenya, the constant jostling by clans for control of rangeland and wells is the single most chronic and destabilising factor in Wajir County.
- **Cross-border pressures.** Conflict forces from across the Ethiopian border – including spillover from Ethiopian communal or government clashes and the temptation to import clansmen from Ethiopia into Wajir county to shore up one's voting block and/or fighting forces – creates chronic vulnerability to armed conflict.
- **Oil.** Though not yet a conflict issue, this is a trend worth watching closely if and when oil exploration yields promising results. Disputed clan claims on land will become a high –stakes affairs and elites who stand to earn windfall profits will be tempted to mobilise clan militia to enforce claims on oil fields.
- **Unemployment and poverty**. Exceptionally high levels of unemployment in Wajir town, and rising "urban drift" by destitute pastoralists, create easy conditions for recruitment of young men into armed groups - -gangs, clan militia, or violent extremist movements.
- **Job allocation.** Complaints that jobs at the oil exploration site near the Isiolo border were captured mainly by the Degodia add to Ajuraan perceptions of marginalisation.
- **Spillover.** Wajir's most damaging armed conflicts have mainly come from spillover from neighbouring counties and states.

PRECIPITATING CAUSES OF CONFLICT

Triggers of conflict that have been especially significant in Wajir have not, to date, included elections, a fact which makes Wajir stand out as distinct in northern Kenya. Instead, the main triggers of tensions and armed clashes have been establishment of settlements and roads, which have served as proxies for clan claims on disputed lands.

APPENDIX D: GARISSA COUNTY CONFLICT ASSESSMENT

SUMMARY

Garissa County has not suffered from large scale communal violence in years, but has seen noticeable deterioration in public security in the past three years due to a combination of a spike in violence criminality and terrorist attacks by Al Shabaab. Demographic shifts that have weakened the power base of previously dominant lineages continue to create deep tensions and political instability. Garissa faces multiple county border disputes, some of which appear manageable, but others of which could be explosive. Garissa town is at a crossroads, with some forces shaping it into a "cosmopolitan" city while others seek to purge it violently of non-locals. Possible changes in the size of the refugee camps at Dabaab due to Kenyan government efforts to repatriate refugees could have a powerful and disruptive effect on the Garissa economy.

BACKGROUND

Borderland dynamics. Garissa County shares a long and important border with Somalia, across which flows large levels of commercial imports from the Somali seaport of Kismayo, periodic waves of refugees, and infiltration by Al Shabaab. Kenya projects part of its military presence in southern Somalia as part of the AMISOM peacekeeping force across this border as well, though it relies more on sea and air movement since capturing the city of Kismayo. The movement of goods and people, both legal and illicit, across the Somalia-Garissa County border is a critical aspect of the county's political economy.

Though the county does not share a border with Ethiopia, it is also profoundly affected by Ethiopian politics and social ties. Because Garissa is populated mainly by Somali Kenyans from the very large Ogaden clan and because that is also the largest clan in Somali Regional State, cross-border Ogaden clan linkages are of real importance and many tens of thousands of Ethiopian Somalis of Ogaden lineage reside in Garissa County. Their politics have followed them. Members of the Ogaden National Liberation Front (ONLF) use Garissa County as a safe haven from Ethiopian security forces and operatives working either for the Ethiopian federal government or the Somali Regional State government in eastern Ethiopia have launched assassinations against suspected ONLF figures in Garissa. Garissa political and business leaders also have a stake in the nascent Jubba Interim Administration in southern Somalia, as that administration is also controlled by an Ogaden leader and militia. The Ogaden clan is central to political developments and peace and conflict dynamics in Garissa County and its presence and interests stretch across Kenya, Somalia and Ethiopia.

Finally, Garissa's internal borders with neighbouring Kenyan counties are the subject of dispute. The Garissa-Wajir border is disputed along the Lagdeer constituency border, where valuable river wadi land is at stake; the Garissa-Isiolo border is contested and oil exploration sites are at stake there; and Garissa has an unusual contested border with Tana River County to its west. A three mile stretch of land on the east bank of the Tana River has since independence been drawn into the Tana River district (now county), so Garissa County technically has no river access. Yet the county seat, Garissa town, is built along the Tana River, so that much of the town is technically in Tana River County.[424]

While the international border with Somalia is not a boundary with ethnic significance – Somali Ogadenis reside on both side of that border – the Tana River does form an ethnic border of sorts, or more accurately a zone of ethnic overlap, where Somali Kenyans and non-Somali Kenyans, including the Pokomo (a riverine, Bantu farming community) and Orma (a pastoral group), reside. Because the Pokomo are a mix of Muslim and Christian, they introduce a degree of religious pluralism into the Garissa town border as well.

Demographics. Garissa possesses some of the most unusual demographics in Kenya, thanks to the enormous refugee population it hosts at the three camps at Dabaab, near the Somali border. The county itself is home to 623,000 residents, according to the 2009 census.[425] But an additional 340,000 refugees – over half of the Garissa county non-refugee population – currently reside in the Dabaab camps.[426] A fraction of the refugees – one local official estimated at 40,500, or just over 10% of the total – are actually local residents who grew frustrated at services provided to refugees and not them and so registered as refugees.[427]

The vast majority of Garissa county residents (refugees excluded) are ethnic Somalis from the Ogaden clan. Three sub-clans are most numerous and politically powerful. The Abdalle and Abudwak are closely related sub-clans (their shared lineage is the Talamoge) and together have in the past been the largest clan in Garissa

[424] An MP from Garissa brough up this absurdity in Parliament in 1994, noting that legally a resident of Garissa would have to travel to the administrative capital of Tana River distict to secure a title to his land. The issue, like most county border disputes, remains unresolved. "Parliamentary Debates," Kenya National Assembly Official Record (May 4 1994), p691.

[425] CRECO (2012), p30.

County, The Aulihan is the third major clan and has a large presence on both sides of the border. Many Aulihan from Somalia have over the past 25 years migrated into northern Kenya, expanding Aulihan numbers in Garissa County – a demographic shift that has contributed to conflicts in the county. Other Ogaden clans in the county, considered "corner tribes," include the Mohamed Zubeir (also present in Wajir and in the Lower Jubba in Somalia) and the Makabul (mainly in the southern portions of the county, including Dadaab constituency).

Garissa town, which is the biggest commercial centre in northern Kenya with an estimated population of 100,000,[428] and Dadaab town (separate from the refugee camp), which has ballooned in size from a small village to a sizable urban settlement, have attracted a large number of migrants.[429] In addition to the many Ethiopian Somalis from a variety of Ogaden sub-clans, Somali Kenyans from Wajir and Mandera, highland Kenyans and Pokomos from the Tana River valley have all migrated to Garissa because of better prospects for employment or business.

The total number of "non-local" Kenyans in the county is unknown, but is much larger than in Wajir or Mandera, includes both professionals, business owners and casual labourers and includes a substantial number of people who have intended to stay in Garissa for the long-term, establishing businesses and buying homes. That has made Garissa town and to a lesser extent Dadaab town, much more cosmopolitan urban settings than anywhere else in northern Kenya outside of Isiolo town. It has also meant that the recent rash of attacks on non-locals in Garissa and warnings from Al Shabaab to leave or be killed (discussed below), a major threat to the overall health of the Garissa economy.

Garissa County has a higher percentage of urban-dwellers than other northern Kenyan counties, estimated at about 24% and possibly higher.[430] This is at least a partial explanation for the county's somewhat better poverty and development figures compared to its neighbours.

Land and Livelihoods. Garissa county is semi-arid, but enjoys somewhat higher levels of rainfall than most of the rest of northern Kenya (averaging 438mm annually), a rainfall average which sustains grasslands in much of the county. The county is also the site of important sources of perennial or seasonal water flows, including the Tana River (technically just beyond the border but easily accessible to local pastoralists) and the Lorian Swamp, a marsh that is fed by the Ewaso Nyiro and which drains into the large seasonal lake in southern Somalia, the Deesheq Waamo. The higher rainfall, grasslands and grassy marshes of the Lorian swamp combine to make portions of Garissa County well-suited for cattle rather than camel husbandry. Even better grasslands on the Somali side of the border in Lower Jubba render the entire Transjubba area from Garissa to Afmadow and the Lower Jubba Valley one of the top sites of cattle-based pastoralism in the eastern Horn. Garissa County is a major producer of cattle, and Garissa town is the largest hub for sales of cattle trekked in from southern Somalia and even parts of southern Ethiopia.[432] Ogaden pastoralists from Garissa County are able to make full use of seasonal grazing across the Somali border.

Agro-pastoralism is practiced in areas of the county near seasonal rivers and the Tana River. This in turn allows agro-pastoral households to secure better access to education and health services than nomadic pastoralists.

Garissa town offers ample commercial and service sector opportunities and attracts investment from outside the immediate area. Garissa town features both a concentration of investment and wealth as well as large slums.[433] The town is the hub of most commercial and livestock trade from northern Kenya, including Mandera and Dobley, into the Kenyan highlands and is linked to Nairobi by paved highway.

The county as a whole has a much lower poverty level than neighbouring counties, at 55%.[434]

Though the large refugee population at Dadaab is in many ways a burden on the local population, it is also an important part of the local economy, attracting massive international aid, remittances and local consumption. One

[426] UNHCR, "Refugees in the Horn of Africa: Somali Displacement Crisis," (30 November 2014) http://data.unhcr.org/horn-of-africa/region.php?id=3&country=110.

[427] IRIN, "Dadaab: Locals vs. Refugees," (2 September 2011) http://www.irinnews.org/report/93635/kenya-dadaab-locals-vs-refugees.

[428] As with other data on demographics in northern Kenya these figures must be treated with caution. Kenya Open Data calculates the entire unrban popuaqltion of Garissa county at 146,000, but the IOM estimates Garissa town alone is home to 150,000 residents. See International Organisation for Migration (IOM), "Rapid Basline Assessment with Exclusive Focus on Pastoral Drop Outs (Garissa Municipality)," (Nairobi: IOM, January 2010), p11. News reports claim that the town of Dabaab (not the refugee camp) is now populated by 150,000, a figure that appears to be inflated. Available evidence suggests that the percentage of urbanites in Garissa may be higher than the Kenya Open Data figure of 24%.

[429] IRIN, "Dadaab: Locals vs. Refugees," (2 September 2011) http://www.irinnews.org/report/93635/kenya-dadaab-locals-vs-refugees.

[430] PACT, "Garissa County Profile" (Nairobi: PACT, January 2013); and "Kenya Open Data: Garissa" https://www.opendata.go.ke/facet/counties/Garissa.

[431] CARE, "Climate Change Vulnerability and Adaptive Capacity in Garissa County Kenya," (Nairobi: CARE, 2012), p6.

[432] Farmer E and Mbwika J, "End Market Analysis of Kenyan Livestock and Meat," (Nairobi: USAID, March 2012), p21.

[433] IOM (2010).

[434] KIPPRA (2013), p21.

recent study estimated that the total cost of the camps to donors reached $100 million by 2010, that business revenues inside the camps (where some 5000 small business operate) amounts to $25 million per year and that the total economic benefits to the local economy in Dabaab town amount to $14 million per year.[435] Hundreds of jobs held by local residents are also dependent on the refugee camps.

Administrative Units. Garissa County now has six constituencies: Garissa Township, Balambala, Lagdera, Dadaab, Fafi and Ijara.

RECENT HISTORY OF CONFLICT AND POLITICAL VIOLENCE

Garissa County has seen significant ebbs and flows of political violence and armed clashes over the past fifteen years. In the aftermath of communal clashes in 1998-2000, the area enjoyed a period of relative peace and security, earning Garissa town – prematurely, as it turned out – an Interpol designation as the safest city in East and Central Africa in 2010.[436] The past four years have seen a significant and worrisome deterioration in peace and stability in the county.

Aulihan-Abudwak clashes, Garissa, 1998-2000.[437] In 1998, conflict over land and access to the Tana River erupted between two Somalia clans, the Aulihan and Abudwak, in Garissa district. The Aulihan moved their herds into Sankuri in search of better pasture during a drought and met with resistance from the Abudwak, who claim the area as their traditional grazing zone. Abudwak resistance to allow the Aulihan access in a period of drought was unusual, especially since the two clans are related. What contributed to this pastoral inhospitality was rising political tensions between the two clans. A growing number of Aulihan Somali refugees had secured Kenyan national identity cards (the Abudwak are not present in significant numbers in the Transjubba region and so did not generate a sizable refugee flow on their own).[438] The rapid growth in the number of these galti or newcomer Aulihan threatened to upset the balance in upcoming general election in 2002, where Abudwak MPs in two constituencies, Fafi and Dujis, might lose out to Aulihan candidates.[439] The conflict that ensued spread to Garissa town and was responsible for as many as 30 deaths. Business in Garissa was halted and agricultural land briefly abandoned.

Urban commercial interests became a key force for peace. A group of eminent Garissa leaders from the Aulihan and Abudwak clans came together in what became the Pastoralist Peace and Development Initiative (PPDI). As a first step, they brought the business community into the initiative. Some of the businesspeople were eager to stop the fighting while others were actively supporting their clan militia. After numerous setbacks, clan elders from the two sides were convened in a three day traditional meeting, along with eminent clan elders from other clans in Wajir and Mandera, who served as mediators and adjudicators. They concluded that the Abudwak must pay a *sabeen*, or initial instalment of blood compensation which serves as an apology and, as an acknowledgement of wrongdoing, tends to cool tempers and open the door for full negotiations. After additional setbacks, external peace groups from Nairobi sponsored a five day meeting at which the two clans reached an agreement to end hostilities. A joint delegation of elders then travelled to different locations to inform their kinsmen about the peace, which held.

The Garissa conflict is instructive as a conflict similar in some respects to the crisis in El Wak, in which two clans that have traditionally been relatively co-operative clash over rising tensions that are mainly over political representation. Pastoral land and water issues appear superficially to be at issue, but are in fact largely incidental. In Garissa as in El Wak, commercial interests are strong and interests in peace or conflict mixed, but in the end Garissa's commercial elite opted to support the peace effort. Strong civic leadership, enshrined in the PPDI, was almost certainly essential in expediting a peace accord for a conflict that appeared to be spiralling out of control. Use of traditional conflict resolution tools – guest clan elders as mediators, blood compensation negotiated by the clan elders – worked well in this instance, though slow and prone to setbacks. Finally, the Garissa case is yet another example of the extent to which contestation over parliamentary constituencies is a conflict-producing exercise, especially where clans vote in block and victory is assumed to assign the winning clan the right to make exclusivist claims on resources and land.

[435] Royal Danish Embassy, "In Search of Protection and Livelihoods: Socio-Economic and Environmental Impacts of Dabaab Refugee Camps on Host Communities" (Nairobi: Royal Danish Embassy, 2010), p9.

[436] Noor F, "Welcome to the Safe Haven that is Garissa County," The Star (December 13, 2010) http://www.the-star.co.ke/news/article-77804/welcome-safe-haven-garissa-county.

[437] This section is derived from Menkhaus (2005) pp25-26.

[438] The Aulihan constitute a "large portion" of the refugees in Dagahaley and Ifo camps. Royal Danish Embassy (2010), p24.

[439] The following assessment draws on Walker, Ibrahim and Shuria, "Oxfam GB Funded Peacebuilding Initiatives," pp13-14.

Violent crime, 2011-.[440] Of the sources of insecurity and violence in the county, violent crime is by far the most immediate threat to local households. This is especially true in Garissa town and the Dobley town and refugee camps.

The refugee camps at Dobley have since their formation in the early 1990s been a hotspot for very serious armed criminality, perpetuated both by refugees against one another and armed gangs operating in and around the camps. This remains the case over two decades later; local residents report a recent spike in insecurity.[441] Armed robbery resulting in injuries or death is the most common form of violent crime, occurring on a near daily basis. Rape remains at epidemic proportions, especially of female refugees gathering firewood. Highway robberies that turn violent and murders are also frequent. In recent years, violence perpetuated by Al Shabaab operatives – against perceived collaborators and deserters, government officials and local aid agency personnel – have also risen.[442] Kidnappings are a chronic threat, especially for aid workers.

Garissa town, which had earned a reputation as one of the safest cities in East Africa, has witnessed a sharp increase in violent crime since 2011.

Several different categories of violent crime are all increasing in Garissa town. One is armed criminality resulting in injury or death, as the numbers of armed robbers and possibly gangs increase activities in the town. A second is the rise of political assassinations, involving hit squad from Ethiopia targeting residents believed to have connections with the ONLF. Who precisely is sending the hit squads – the Ethiopian government in Addis, or the administration of Abdi Illey in Somali Regional State Ethiopia and its "Liyu" or special police" – is unknown, but the link to Ethiopia is widely believed to be true, despite Ethiopian government denials.[443] A third involves targeted attacks against non-locals, a security threat discussed below.

Local observers link the spike in violent crime to the increased presence of Al Shabaab, a rise in the population of "non-local" residents and the major influx of refugees from the 2011 famine in Somalia.[444] One focus group interviewed also pointed to the Kenyan training and arming of local youth to fight against Al Shabaab in Somalia as a factor, Those youth – whether placed in the TFG militia that was supposed to serve under Professor Ghandi, or placed in the Ras Kamboni militia that partnered with the Kenyan Defence Forces to capture Kismayo – have in some instances deserted or ended their service and have returned to Garissa with skills in the use of arms but with no prospects for employment and are blamed for the rise of armed criminal groups.[445]

Violent extremism, 2012-. Garissa County has been the site of 34% of Al Shabaab terrorist attacks in Kenya, making it the most targeted area along with Nairobi.[446] These attacks have sharply risen since 2011. They include assassinations, ambushes, grenade attacks and improvised explosive devices (IEDs). In Dadaab, Al Shabaab has targeted suspected informants, defectors and collaborators within the camps and Kenyan security forces, police, government officials and aid workers outside the camps. The group is suspected of involvement in two separate kidnappings of six Western aid workers at Dabaab in 2011 and 2012.[447] In Garissa town, Al Shabaab has ramped up attacks on non-Somali residents, especially targeting churches and bars and restaurants frequented by non-Somali Kenyans. Most of these attacks have involved grenades tossed into a shop or restaurant, resulting in multiple injuries and occasionally one or two deaths. But a July 2012 ambush by hooded gunmen on two church services resulted in the massacre of 20 worshippers.[448] A spike of attacks on non-locals in late 2014, as well as text-messages stating that non-Somalis must leave Garissa or be killed, has led to an outflow of non-locals from Garissa to the safety of the town of Mororo on the west side of the Tana river.[449] Local political leaders, business leaders and Muslim clergy have mobilised to reassure non-locals of their security, fearing that an exodus of non-

[440] Generalizations about crime patterns in this section are derived from an unpublished inventory of armed incidents by county in northern Kenya, maintained by Danish Demining Group.

[441] DDG focus group interview, Dabaab town, September 9 2014.

[442] The severity of violent crime in and around the refugee camps appears to have grown noticeable y worse since 2011, a trend that has been felt across the entire county. In 2010, an in-depth study of the camps and host communiites reported that host communities felt that the security situation was relatively good. That is no longer the case. See Royal Danish Embassy (2010), p39.

[443] DDG interview, Garissa, Sept. 2, 2014; and Bosire Boniface, "Kenyan Authorities Concerned about Spillover of Internal Conflict in Ethiopia," Sabahi (1 August 2014) http://allafrica.com/stories/201408040421.html.

[444] DDG focus group interview, Garissa, Sept. 3 2014.

[445] Ibid.

[446] ACLED (2013), p6.

[447] "Kenya: Rising Tide of Small Arms," IRIN (3 July 2012) http://www.irinnews.org/report/95793/kenya-rising-tide-of-small-arms.

[448] Hajir A, "Worshippers Tell of Church Raid Horror," *Nation* (6 July 2012) HTTP://WWW.NATION.CO.KE/COUNTIES/AFRICAN-INLAND-CHURCH-GARISSA-TERRORIST-ATTACK-ANNIVERSARY/-/1107872/2374288/-/11CVQNXZ/-/INDEX.HTML.

locals will result in a collapse of educational and health services and hurt business in the town. Some have voiced scepticism that the campaign of violence is entirely driven by Al Shabaab, noting that the influx of non-locals had the potential to tip demographics in ways that might affect future elections in what has become a cosmopolitan town.[450]

Communal disputes over rangeland and locations. Garissa County is the site of multiple communal disputes over rangeland, boreholes and locations, some of which have led to armed clashes. Within the county, most of the disputes are between the Abudwak and Aulihan. Casualties to date have been contained. Some of the hotspots include the boundary dispute between the Abudwak and Aulihan over whether Qabobey village, site of an important livestock watering point, belongs to Mbalambala or Dadaab constituencies. Qabodey has been registered as a polling station for Dabaab, which the Mbalambala residents reject.[451] Likewise, the creation of new constituencies has pitted the Abudwak and Auliyahan over the ownership of Hagarbul and Abdisamed areas.[452] In 2010, clashes between the Abdalla and Abudwak at Bula Sabul and Masalani villages spread to Garissa town and resulted in the displacement of 600 families and 2 deaths.[453]

County border disputes. Land disputes that threaten to produce armed conflict on a larger scale are occurring mainly along Garissa's county borders, where unclear of contested borders serve as proxies for rival clan claims on valuable land. A land dispute between Wajir South constituency and Dadaab constituency over boreholes dug by Wajir County near Liboi has led to calls by Dabaab peace committee to cease the borehole drilling.[454] The dispute between Garissa and Wajir counties over portions of their border along the seasonal Ewaso Nyiro River has led to several casualties.[455] And the disputed border area between Garissa and Isiolo, where Van-Oil began exploring for oil but was forced to suspend operations due to security concerns, could bring two powerful ethnic groups – the Boran and Ogaden – into political conflict in the event oil is discovered there.

The county border dispute considered by the Garissa County Commissioner as a "ticking time bomb" is with Tana River County.[456] The colonial-era ruling that places a three mile stretch of land from the river bank eastward in the possession of Tana River county and which in consequence deprives Garissa county residents (Somalis) of direct access to the river, has been an invitation to struggle, with Pokomo farmers resorting to violence to stop Somali livestock from access to the three mile strip of land. As noted earlier, the fact that much of Garissa town lies within the three mile stretch technically places the capital of Garissa in another county, which is untenable.

Land tensions. The rapid growth of Garissa town has produced a spike in urban and peri-urban land disputes there. This is very likely to worsen with the arrival of LAPSSET infrastructural projects – highway, possible oil pipeline and rail line – through Garissa. Garissa has not yet seen the epidemic of land grabbing and land speculation that has occurred in Isiolo, but that is certain to accelerate in coming years and has the potential to create armed conflict over land ownership.

Politically-generated violence, 2013-. Tensions between the Aulihan, Abudwak and Abdalla over 2013 election results did not produce large-scale political violence during the elections, despite numerous disputes over polling station sites and the shift of several locations from one constituency to another by the IEBC. But the anxieties over demographic shifts and the potential loss of power and claims of clan rights over the county that fuelled the Aulihan-Abudwak clashes 15 years ago remain very much alive. In 2013, an Aulihan candidate, Nathif Adam, won the governor position thanks in part to an inability of the two quarrelling Talamoge clans, the Abdalla and Abudwak, to unite behind a single candidate. The next most important elected position, Senator, went to an Abdalle, Mr. Yusuf Haji. The elections left the Abduwak, which in the past have enjoyed a dominant position in the county, in the losing position.

In other parts of northern Kenya – Marsabit and Mandera counties – when for whatever reason a numerically

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[449] Kipchumba Some, "Garissa Attacks Raise Fears of Ethnic Targeting," (28 September 2014); "Kenya's Border Residents in Panic over Frequent Attacks," Xinhua (4 December 2014) http://www.chinadaily.com.cn/world/2014-12/04/content_19026997.htm; Abdimalik Hajir, "Garissa Leaders Assure Non-Locals of Their Security," *Nation* (4 December 2014) http://mobile.nation.co.ke/counties/Non-locals-security-assured-Garissa/-/1950480/2544800/-/format/xhtml/-/xeo4lqz/-/index.html.

[450] Some (2014).

[451] DDG interview, Garissa, September 6, 2014.

[452] DDG interview, September 4 2014.

[453] Kenya: Hundreds Displaced in Northeast Clashes," IRIN (8 October 2010).

[454] DDG interview, September 6, 2014.

[455] Ongeri B, "Boundary Dispute Tears Wajir Clans Apart," *Standard* (30 August 2012) http://www.standardmedia.co.ke/lifestyle/article/2000065029/boundary-dispute-tears-wajir-clans-apart?pageNo=3.

[456] DDG interview, Garissa, Sept 4 2014.

large clan is outvoted for top political positions, subsequent political and communal violence has followed. Well-placed observers interviewed for this research warned that the 2017 elections in Garissa could see much greater violence than was the case in 2013.

CURRENT CONFLICT ASSESSMENT

Garissa is backsliding from what was only a few years ago considered the most stable and economically promising northern Kenyan county to one plagued by multiple sources of insecurity. The county still enjoys several significant advantages – its robust commercial economy, its relatively strong pastoral base and a history of restraint among its main communal groups in terms of recourse to armed conflict. The Ogaden political and economic elite in Kenya is arguably more powerful nationally than the elites of any other Somali Kenyan clans and their calculations will be key in shaping peace and conflict trends in the county. Those interests are bound up in wider commercial networks stretching from Kismayo to Nairobi and in national level politics as well. Restraint in managing internal Ogaden clan disputes may not translate into restraint with regard to disputes with other communities, however, which suggests county border conflicts bear close monitoring, especially with Tana River and Isiolo counties. Al Shabaab is likely to continue to mount low level attacks in the county, especially against non-Muslim targets and could opt to extend that campaign across the Tana River.

UNDERLYING CAUSES OF CONFLICT

Garissa features a wide variety of types of violence; underlying causes vary according to the type of armed conflict or insecurity in question.

- Underlying causes of the outbreak of violent crime include the breakdown of customary law and failure of formal judiciary to resolve criminal cases; the lack of customary law governing relations between local clans and newcomers, especially refugees and migrant labourers; the arrival of outsiders; the rise of criminal gangs; and KDF training and arming of young men to join paramilitaries inside Somalis who have returned with violent habits.
- Al Shabaab's surge of terrorist attacks in the area is traced by locals to the KDF offensive in southern Somalia.
- Poorly demarcated county borders are a factor in raising communal tensions over competing claims on territory.
- Demographic shifts, especially the arrival of large numbers of Aulihan from Somalia since 1991, has upset the power balance in the county and renders it more vulnerable to politically-generated communal violence.

PRECIPITATING CAUSES OF CONFLICT

Recent conflicts in Garissa have been triggered by the digging of boreholes and the establishment of settlements in disputed areas and by unresolved killings and other crimes. In the future, elections are likely to be possible triggers as well.

APPENDIX E: MARSABIT COUNTY CONFLICT ASSESSMENT

SUMMARY

Marsabit County suffers from chronic communal clashes over rangeland and livestock rustling, and mounting pressures on the land ensure that this will remain a source of vulnerability to armed clashes. Cross-border movement of ethnic militia from Ethiopia compounds this problem and has increased the lethality of armed conflicts. A powerful new driver of conflict is political contestation for control of key county elected positions, which has polarised communities and their political elites in the county and led to serious clashes and displacement in 2013.

BACKGROUND

Borderland dynamics. Marsabit County's conflicts are heavily influenced by its border with Ethiopia, as well as by spillover from neighboring Kenyan counties. Most of the ethnic groups inhabiting Marsabit County are also present in southern Ethiopia. Likewise, pastoralist move frequently across the border. Clashes in Ethiopia over land, control of local political offices, or control over cross border trade can and do spill over into Marsabit County. Clashes in Marsabit County very often draw on hundreds of tribal militia from southern Ethiopia in support of their kin on the Kenyan side of the border. Ethnic groups in Marsabit County have all been accused of relocating thousands of their own tribe from southern Ethiopia into Marsabit in order to establish settlement on disputed land or to short up number of voters prior to elections. And the armed Ethiopian insurgency, the Oromo Liberation Front (OLF) has operated on the Kenyan side of the border where it has enjoyed support from Boron Oromo and other groups. That in turn has prompted the Ethiopian government to use rival ethnic groups as paramilitaries to attack the OLF and by extension their local supporters, including attacks inside Marsabit County.

Livestock raiding has been a chronic source of communal violence in Marsabit County, and while mostly initiated within the county, some raids are launched either from southern Ethiopia or neighboring Samburu County, where the Samburu and Rendille people both have a strong culture of cattle rustling as a rite of passage for young men.

Demographics. Marsabit is a large but lightly inhabited county. The 2009 census lists the county has having 291,000 residents, up from 174,500 in the 1999 census.[457] As with census data from other counties in northern Kenya, the dramatic jump in population figures over a ten year period warrants skepticism about the reliability of the figures. Community strategies to import members of their group from southern Ethiopia during the census and during elections could account for part of this discrepancy.

The majority of the population is rural and pastoral. Only 33,800 residents were listed as urban in the 1999 census; today, 64,000 people, or 21% of the county population, are settled in urban areas.[458] The largest urban area, the county capital, Marsabit town, is located in a mountain valley in the southern portion of the county. The only other urban center of any size is the border town of Moyale. The larger section of Moyale town is inside Ethiopia. These towns are relatively young, and were small settlements in the colonial era. Marsabit town grew as pastoralists settled there from a "fractious" mix of Borana, Burji, Gabra, Rendille, Ariaal, Samburu and Turkana.[459] Former pastoralists also settled in wooded hillsides near Marsabit town.

The county is home to a number of different communities, with varying degrees of inter-connectedness culturally and linguistically. The Boran, Gabra, Burji, and Rendille are the four largest and politically most significant groups, of which the Boran are numerically the largest. "The Borana constitute the majority of voters in the larger Marsabit County and have historically had an upper hand in the politics of the county thereby making them the de facto political elite," concluded one recent review of the county's armed conflicts."[460] Other communities present in the county include the Sakuye, Garre, Rendille, Turkana, Ariaal, and Samburu.[461]

Many of the communities have close cultural and language ties, though these bonds have been strained by recent clashes. The Boran and Rendille languages are Cushitic, while the Samburu and Turkana are Nilotic languages. The Rendille and Gabra are closely related in culture and clan lineage, as are the Rendille and Samburu. The

[457] Figures from the 1999 census combine Moyale and Marsabit district numbers – in 1999 the two were separate districts. They are now united in a single Marsabit county.

[458] "Kenya Open Data: Marsabit" https://www.opendata.go.ke/facet/counties/Marsabit; and Patta Scott-Villiers et al, "Roots and Routes of Political Violence in Kenya's Civil and Political Society: A Case Study of Marsabit County," (London: IDS, 2014), p. 6. http://www.ids.ac.uk/publication/roots-and-routes-of-political-violence-in-kenya-s-civil-and-political-society-a-case-study-of-marsabit-county.

[459] Scott-Villiers (2014), p6.

[460] National Cohesion and Integration Commission (2013), p6.

[461] National Cohesion and Integration Commission, "The Ethnic Conflict in Moyale," (Nairobi: National Cohesion and Integration Commission, September 2013), p4.

Ariaal combine elements of both Rendille and Samburu culture.[462] The Gabra speak the Boran dialect of Oromo, were in the past a "vassal" or subordinate group of the Borana Oromo (a legacy the Gabra are now shaking off), and may trace their origins to Rendille and Somali groups who were adopted into the Oromo community.[463] The Gabra and Boran until recently shared sacred rituals and were governed by taboos against killing one another.[464] Portions of these communities inhabit areas of Marsabit only seasonally – the county is part of a much larger pastoral zone encompassing neighboring counties and southern Ethiopia. Each group has areas it considers its own communal land, but some parts of the county are shared across two or more groups. Historically, the northern areas were primarily Boran and Gabra, with Burji, Sakuye, and Garre present as well, while the Rendille were the largest group in the south. Settlement patterns changed this however – by 1980, the Boran were the largest group in Marsabit town, with Gabra second and Rendille third.[465] The towns of Marsabit and Moyale are both settled by all the main ethnic groups in the county, but are divided into separate neighborhoods along communal lines.

Land and livelihoods. Marsabit County is mostly arid, with annual rainfall levels averaging 250mm in most of the county, but as high as 1000mm per year in the Marsabit mountains and Hurri hills areas.[466] Higher elevation areas that receive more rain support agriculture, but the vast majority of the territory is suitable only for pastoralism. The westernmost part of the county borders Lake Turkana, and some settled pastoralists now engage in fishing there. Lake Turkana is however becoming increasingly saline due to declining water flows from the Ethiopian highlands – in part a function of new dams and irrigation schemes upstream.[467] Experts predict that continued salinisation of the water will eventually produce a massive fish kill, destroying this alternative livelihood for residents.

Marsabit is a very poor and underdeveloped county. It ranks as the fourth poorest county in Kenya, with 80% poverty levels.[468] The Chalbi desert that traverses the county is especially poor in natural endowments and offers limited livelihood options.[469] The main road connecting Moyale to Marsabit town and on to central Kenya is unpaved and impassable during rainy season. A major highway linking Moyale to Isiolo is planned as part of the LAPSSET project.[470]

Local communities have adapted to both the harsh and varied conditions in the county by relying on high levels of seasonal mobility, which can put them in conflict with one another over water and rangeland. They have also adapted their animal husbandry to their environment. The Rendille and Gabra tend to specialise in camel, goat and sheep pastoralism, and their livestock are highly mobile. The Boran, Samburu, and Ariaal have tended to focus more on cattle production in higher rainfall areas, and are somewhat less mobile than camel-based pastoralists. [471]

Commerce is a significant source of employment for urban dwellers in Marsabit and Moyale, where cross-border trade is a lucrative business for a small number of brokers who dominate the trade of livestock and dry food.[472] This commerce can also be the source of armed conflict as rival businesspeople mobilise their communities to disrupt others' trading activities. Some ethnic groups, such as the Burji and Garre, are more active in the commercial sector.

Administrative Units. There are today four constituencies in Marsabit: Moyale, North Horr, Saku, and Laisamis.

RECENT HISTORY OF CONFLICT AND POLITICAL VIOLENCE

Livestock rustling. More than any other county under review in this study, Marsabit County has been the site of long-standing, chronic communal violence linked to livestock raiding. Livestock raiding is associated with some communal groups more than others, and is animated by different cultural norms in different groups. Some of these

[462] Ibid.

[463] This line of argument about Gabra origins is advanced by Gunther Schlee in "Ethnopolitics and Gabra Origins," Working Paper 103 (Halle, Germany: Max Planck Institute for Social Anthropology, 2006), pp2-3. As Schlee notes in this paper, the origins of the Gabra, and their relationship to the Oromo, Somali, and Rendille, is now a contentious and politicized topic.

[464] National Steering Committee on Peace Building and Conflict Management, "Marsabit Conflict Assessment Report," (Nairobi, 2005),p16.

[465] Scott-Villiers (2014), p7.

[466] Concern Worldwide, "Arid and Semi-Arid Lands Water Sector Institutional Analysis in Marsabit County Kenya," (Concern Worldwide, Feb 2013), p5.

[467] ARD/Tetra Tech, "East Africa Regional Conflict and Instability Assessment," (Burlington VT: ARD/Tetra Tech for USAID, March 2012), pp53-55.

[468] KIPPRA (2013), p21.

[469] Pkalya (2003), p54.

[470] FEWSNET, Food Security and Nutrition Working Group, "Moyale Cross- Border Market Profile Report," (FEWSNET, August 2010), p1. http://www.disasterriskreduction.net/fileadmin/user_upload/drought/docs/MoyaleMASReport110411.pdf

[471] Haro (2003), pp5-6.

[472] FEWSNET (2010), pp2-3.

drivers of livestock raiding include a rite of passage for young men; the need for brideswealth, paid in heads of cattle; and the need to replenish herds during the onset of the rainy season. Raids could also involve the capture of women and children who were integrated into the raiding party community. In the past, livestock raids were associated with a certain level of injuries and deaths, and could be gruesome. But they were governed by an informal set of rules that set limits on violence, and were untaken by warrior and raiding parties armed only with spears and arrows.

Over the past several decades, livestock raids have become increasingly more violent, to the point that the casualty levels sometimes match those associated with wars. Women and children are now targeted for killing, and rape is common. As Oscar Mwangi has argued, the raids are qualitatively different from the past because killing is now a primary objective, rather than an unfortunate side effect, of the raids. This suggests that motives for the attacks are shifting.[473] The higher rates of violence and lethality are commonly attributed to the proliferation of semi-automatic weapons, the commercialisation of livestock raiding, the increased pressures on the land, and politically generated conflict expressed as livestock raids but with the actual intent of cleaning territory of a political rival's voting constituency.[474]

Violence associated with increasingly uncontrolled livestock rustling, and revenge attacks linked to livestock raids, have led to hundreds of deaths per year in northern Kenya since the late 1990s. A number of incidents, including the Turbi massacre in Marsabit in 2005 (discussed below), attracted widespread attention in Kenya as a sign that the problem had gotten out of control.

The problem of increasingly violent livestock raiding remains a major conflict issue in the county, even as other conflicts over elected office and cross-border politics dominate the news. It creates or exacerbates chronic communal tensions and renders the entire county vulnerable to wider conflict that can be stoked by political leaders.

Begalla massacre, 1998. This bloody event involving the Boran and Degodia is treated in the Wajir County case; please refer to Appendix 3 for details. Here, what is important to underscore is the transience and short-term expediency of inter-communal alliances are in the area. Divisions between the various communities in Marsabit may appear to be hard and long-standing, but in fact can change to an alliance with surprising speed. Likewise, alliances can quickly dissolve into armed conflict.

Turbi massacre, 2005. In the pre-dawn hours of July 12, 2005, a large Boran militia – reportedly up to 1,000 armed men – launched a series of raids against Gabra villagers in the Turbi area. The initial attack produced 53 deaths, 21 of which were children. Over the next days, fighting and retaliation, including a massacre of ten Boran members of a church group, increased the total number of deaths to 95. Sixty-five hundred people were displaced, and 12,000 head of livestock were stolen.[475] Kenyan security forces were slow to arrive.[476] The episode was one of the single most lethal instances of communal violence in Kenya since independence, and shook Kenyan civic and political leadership.[477] The attack was triggered by a Gabra ambush on Boran in which 6 died.[478]

The Turbi massacre elicited a flood of commentary in the Kenyan media. Blame for the violence was attributed to dozens of different causes, including: resource scarcity; competition over trade; manipulation of ethnic tensions by political elites; ancient tribal animosities; the warrior culture of pastoral groups; pastoralism; the cultural practice of livestock raiding; influx of small arms and automatic weapons; commercialisation of livestock trade; foreign criminals and guerrilla movements (in this case the OLF) exploiting unpoliced borders; spillover of conflict and lawlessness from troubled neighboring countries; failure of government to provide effective security; failure of the government to heed warning signs of conflict; slow government response once the crisis exploded; failure of government to drill enough boreholes; government practice of drilling too many boreholes as a form of political patronage, resulting in rangeland degradation; administrative boundaries that lump rival tribes together; proliferation of "locations" that become the source of competition and ethnic cleansing between ethnic groups; misuse of location boundaries to block pastoralists from previously shared rangeland; lack of comprehensive livestock and range management policy; poverty and unemployment; low educational opportunities and levels; vicious cycles of violence created by a culture of revenge killings; arbitrary colonial boundaries; discrimination against "up country" communities in

[473] Oscar Mwangi, "Kenya: Conflict in the 'Badlands:' The Turbi massacre in Marsabit District," Review of African Political Economy no 107 (2006), p82.

[474] Kenya Human Rights Commission, "Morans No More: The Changing Face of Cattle-Rustling in Kenya," (Nairobi: Kenya Human Rights Commission, 2010), pp1-4.

[475] Mwangi, (2006), p81.

[476] Ibid., p86.

[477] Mugo Njeru, "Kenya's Killing Fields," *The Nation* (14 July 2005) http://allafrica.com/stories/200507130937.html.

[478] National Steering Committee on Peace Building and Conflict Management, "Marsabit Conflict Assessment Report," (Nairobi, 2005), p8.

the border areas; decline of traditional authority; legacy of decades of emergency rule and government neglect; lack of understanding of local politics by non-native government administrators, corruption; rowdy youth; poor remuneration of police and security forces; inadequate arms and ammunition to Kenyan security forces; a culture of collective culpability; and tribalism.[479] The fact that so many plausible factors could be involved as causes of or contributors to the violence was itself a signal of the deep vulnerability to armed conflict in Marsabit and, more generally, the arid northern areas of Kenya.

What was missed in the first wave of explanations was an additional political development that exacerbated tensions between the Gabra and Boran, and which highlights the impact that national and cross-border politics can have on local conflict dynamics.

The two communities were engaged in mounting clashes since the late 1990s, with a series of killings, livestock raids, and failed peace talks from 2002 up to the Turbi massacre.[480] Those tensions were heightened following the appointment of the late North Horr MP Dr. Bonaye Godana, a Gabra, as Kenyan Foreign Minister in 1998. Godana presided over Kenyan foreign policy during a time when Kenya agreed to work with Ethiopia to combat the OLF, which the Ethiopian government considers a terrorist organisation but which many Borana Oromo view as a legitimate liberation movement.[481] Godana, and the Gabra collectively, were seen by many in the Boran community as having betrayed their own Oromo kinsmen by embracing policies to flush the OLF out of Kenya.[482] Tensions leading up the massacre intensified over Boran allegations that Godana was using his position in government to channel jobs and resources to the Gabra at the expense of the Boran.[483]

Other factors raised temperatures between the two groups. A running dispute over administrative boundaries between Marsabit and Moyale districts exposed competing claims by Boran and Gabra over land, including Turbi itself, leading some to speculate that the 2005 attack on Turbi was meant to cleanse the area of Gabra so Boran could ensure the areas was part of Marsabit District.[484] Disputes over control of jobs and resources awarded from the Constituency Development Funds focused on charges of favoritism along ethnic lines. Importantly, in 2005 the Rendille, Gabra, and Burji first formed a coalition (REGABU) to win control of the Teacher Savings Credit and Cooperative Society (SACCO) at the expense of the Boran.[485] The REGABU coalition was not only a loss of control of resources and privilege for the Boran, but also a signal that the previously subordinate Gabra rejected that status and were asserting their equality vis-à-vis the Boran.

In addition, a practice of customary law governing compensation for livestock theft called the *gada* system which had helped to keep the peace between the two communities in the past broke down in the late 1990s, perhaps overwhelmed by the scale of commercialised livestock raiding, but also reflecting the declining authority of clan elders.[486] Finally, disputes between the two groups over settlements increased tensions. This was particular y a problem when once pastoral groups settled in area receiving higher rainfall, in order to take up agriculture. That land is often used as critical dry season grazing areas by pastoralists.

In the aftermath of the Turbi massacre, a combination of national government, civic, and local efforts to rebuild peace took place, amidst national soul-searching about the communal violence of northern Kenya and the weak government response.[487] That process was interrupted when Godana, two other local MPs, the Moyale district commissioner, and nine others died in a plane crash en route to a peace conference in Marsabit.

In the aftermath of the Turbi massacre, the Gabra and Boran were temporaily reconciled. An initiative in 2006 by the National Steering Committee on Peace-building and Conflict Management (NSC) aimed to revisit and strengthen the "Modogashe Declaration" of 2001 (an accord to codify pastoral access to land following in another Trust land, and compensation for stolen cattle or loss of life). The result – the "Garissa Declaration" – was signed by local leaders from Marsabit, and hopes were raised that it would promote peacebuilding in Marsabit County. Implementation was weak, however, due to cultural differences over aspects of compensation.[488] Local elders

[479] Each of these causes of conflict were invoked in at least one international wire report or Kenyan newspaper article or op-ed in the two weeks following the Marsabit massacre.

[480] For a chronology of events from 2002 to 2005, see National Steering Committee (2005), p14.

[481] Muchemi Wachira, "How KDF Used Mortars to Separate Rival Clans Locked in Mortal Combat," *Nation* (12 September 2013) http://mobile.nation.co.ke/News/How+KDF+separated+rival+clans+locked+in+mortal+combat/-/1950946/1990544/-/format/xhtml/-/129fe47/-/index.html.

[482] Ibid.

[483] National Steering Committee (2005), p15.

[484] Ibid.

[485] Ibid.

[486] Ibid., pp19-20.

[487] The wave of studies on northern Kenya and conflict in the 1995-1998 period is almost certainly attributable to the Turbi massacre.

complained that the code of compensation is adapted from "Somali" or "Muslim" practices to which they do not subscribe.

A local peace agreement, the Maikona/Walda Declarations in 2008, held the peace for almost four years before the next round of clashes occurred.

Moyale clashes, 2011-2013. The most recent armed conflicts in Marsabit County have taken place in and around the border town of Moyale. This conflict has played out as a series of outbursts of violence followed by short periods of unstable peace. Collectively, they have produced very high levels of displacement and loss of life and property.

In December 2011, Fighting broke out between the Boran and Gabra, drawing in the Burji on the side of the Gabra. By January the episodic attacks displaced 8,000 Boran and Gabra, and 15 settlements were abandoned in the area.[489] Two police reservists were among the dead. Between 2012 and 2013, a series of armed attacks left an estimated 100 people dead. The fighting spread into Moyale, Ethiopia and nearby areas, where in July 2012 twenty died and 20,000 fled into Kenya.[490] Violence flared up again in August 2013, and in November-December 2013, resulting in 72,000 displaced persons and prompting Kenyan army mobilisation and heavy political pressure from the national government on local authorities.[491] Trade was badly hurt during this period. Kenyan President Uhuru Kenyatta threatened Marsabit elected officials with the prospect of suspending the county government, which the central government has the legal right to do in the event of internal conflict.[492] That threat was viewed locally as political motivated, as the new Marsabit County Governor is associated with CORD, the rival coalition to President Kenyatta's Jubilee coalition.[493] In February 2014, a government peace mediation team brokered a peace accord between the two sides, with a stipulation that the communities and their leaders would face hefty fines if the ceasefire was broken.[494]

This round of fighting had several drivers, including disputes over new settlements, livestock raiding, aspirations to control land that will increase in value thanks to the planned LAPSSET highway to Moyale, and other predictable, recurring sources of tension. But the main driver behind the Moyale violence was the build-up to and the results of the 2013 elections. Even the clashes two years prior to the elections were driven by political efforts to cleanse areas of rival voters or dispute boundaries that could affect voting. One report at the time concluded "competition over positions in the County Government structures as designated in the New Kenyan Constitution and land-related issues, following a review of boundaries by the IEBC (Independent Electoral and Boundaries Commission)," were to blame for the initial violence.[495]

The success of the REGABU (Rendille-Gabra-Burji) coalition to win control of the teacher's credit society in 2005 at the expense of the Borana provided the recipe for politicians from those three groups to win power in the 2013 elections. The numerically dominant Boran faced the prospect of being shut out of top elected office in the entire county, including the governor's and senator's positions. The Boran also suffered from a split within its own political elites and so were unable to vote in a united bloc. The result was a March 2013 which brought a Gabra, Ukur Yattani, to power as Governor, and a Rendille, Godana Hargura, to the position as Senator. The Boran won only two of the four MP seats.

In the aftermath of the election, tensions were stoked by hate speech, including inflammatory text messages, and a Boran economic boycott of Gabra, Burji, and Rendille businesses. The boycott was effective as a means of reminding their rivals of their demographic size in the county, but added another layer of division and distrust between the groups.

The post-election violence was by all accounts politically-motivated, but competing local narratives offer dramatically different accounts of who is to blame.[496] What is clear is that Boran feel that the elections produced

[488] Chopra (2008), pp18-22.

[489] IRIN, "Kenya: Thousands Remain Displaced as Fighting Subsides in Moyale," (19 January 2012).

[490] Scott-Villiers (2014), p11.

[491] IRIN, "Escalating Clashes in Northern Kenya," (11 December 2013) http://www.irinnews.org/report/99312/briefing-escalating-clashes-in-northern-kenya.

[492] This right is enshrined in article 192 (1) (a) of the Kenyan Constitution.

[493] The governor's Boran rivals in Marsabit were among those calling for the dissolution of the county government. See Kennedy Kangethe, "Kenya: Marsabit Leaders Fear for Renewed Clashes," All-Africa news (16 November 2013) http://allafrica.com/stories/201311170086.html.

[494] Laban Wanambisi, "Marsabit Leaders Agree on Peace Plan," Capital News (15 February 2014) http://www.unahata.com/moto/sw0la.

[495] Cited in Ngwatilo Mawiyoo, "Kenya Elections: Whispers of Fear and Hope," Creative Time Reports (1 March 2013) http://creativetimereports.org/2013/03/01/kenya-elections/.

[496] For a strident pro-Boran perspective, see "Moyale Conflicts: The Actors, the Contest, and the Interests," at the pro-Boran website Ardaa Jilaa http://ardajila.com/?p=2625.

results that are unfair; that the Governor is using his position to channel jobs, contracts, and other benefits to the Gabra and marginalise the Boran; that the empowered Gabra will make use of their power to grab Boran land and bring in Gabra voters and militia from Ethiopia to solidify their power in 2017; and that the Ethiopian government is behind the attempt to marginalise Kenyan Boran on their own soil. They specifically accuse Governor Uttani of planning and inciting the violence, a charge he denies.497 Of these, the most passionate grievances are about "resource allocation" and the enormous anxiety felt at the prospect of Gabra and their allies concerning all of the County funds.[498] REGABU leaders claim that they won the election cleanly by forming an alliance, and that violence is being instigated by the Boran to destabilise and discredit the government as a pretext for the Jubilee government in Nairobi to dissolve the county government.

CURRENT CONFLICT ASSESSMENT

Marsabit faces a number of intractable conflict drivers that offer little hope of resolution in the short term and hence a high risk of renewed violence. The culture of livestock raiding will not be changed in the short term, guaranteeing communal clashes. Spillover of armed conflict from Ethiopia is a factor about which the local community can do little. And the current stand-off between the numerically dominant but politically disempowered Boran and the REGABU coalition runs a very high risk of renewed electoral violence in 2017.

UNDERLYING CAUSE OF CONFLICT

A number of structural causes of conflict emerge from this review of recent armed clashes in Marsabit:

- Severe resource shortages and communal contestation over resources. Land disputes are a major underlying source of anxiety and violence across the county.
- Settlements. Since 1970, permanent settlements have grown up around water points, creating claims of ownership and disputes over access.
- The culture of livestock raiding. This is not a factor in Somali-inhabited areas of northern Kenya, but is a major source of communal tension in Marsabit County.
- Small arms proliferation. Small arms are ubiquitous in Marsabit County and are responsible for the much more lethal raids and clashes.
- Political contestation and devolution. Marsabit is a textbook example of how devolution can risk creating conflict where ethnic groups vote in blocs and where accountability mechanisms for county budgets are not fully effective.
- Cross-border militia movement. The fact that every community in Marsabit can call on kinsmen from across the Ethiopian border for support as militia renders Marsabit a much more volatile county.

PRECIPITATING CAUSES OF CONFLICT

- Elections are unquestionably a major and worrisome trigger of violence in the county.
- Unresolved, violent livestock raids and other crimes inevitably trigger reprisal attacks.
- The onset of rains is identified locally as a trigger of livestock raids and hence violence as pastoralist seek to rebuild their stock before moving herds out to distant pastures.

[497] Jemimah Wangui, "Marsabit Leaders to be Fined for Conflict," *Capital FM News* (6 Feb 2014); and Otiato Guguyu, "Governor Blamed for Marsabit Violence," Daily Nation (Nov 13 2013).

[498] In December 2013, the Marsabit County Governor Ukur Yatani, Saku MP Colonel (Rtd) Dido Raso, North Horr MP Chachu Ganya, and Moyale MP Roba Duba debated the Boran-Gabra conflict on a national news show. The discussions revealed much about the extent to which "fair allocation of resources," meaning top government positions, were at the heart of Boran grievances. See http://ntv.nation.co.ke/news2/topheadlines/interview-marsabit-leaders-disagree-on-moyale-clashes/

APPENDIX F: ELECTED OFFICIALS

MEMBERS OF PARLIAMENT BY DISTRICT AND CONSTITUENCY IN NORTHERN KENYA, 2013

COUNTY	CONSTITUENCY	MP	PARTY/COALITION	COMMUNAL GROUP
Garissa	Garissa Township	Aden Bare Duale	URP/Jubilee	Ogaden, Abudwak
	Balambala	Abdikadir Omar Aden	ODM/CORD	Ogaden, Abudwak
	Lagdera	Mohamed Muktar Shidiye	TNA/Jubilee	Ogaden, Aulihan
	Dadaab	Mohamed Dahir Duale	ODM/CORD	Ogaden, Aulihan
	Fafi	Elias Bare Shill	URP/Jubilee	Ogaden, Abudwak
	Ijara	Ahmed Ibrahim Abass	ODM/CORD	Ogaden, Abdalla
Wajir	Wajir North	Ibrahim Abdi Saley	ODM/CORD	Ajuran
	Wajir East	Abass Sheikh Mohamed	URP/Jubilee	Degodia
	Tarbaj	Mohamed Ibrahim Elmi	ODM/CORD	Degodia
	Wajir West	Abdikadir Ore Ahmed	ODM/CORD	Degodia
	Eldas	Adan Keynan Wehliye	ODM/CORD	Ogaden
	Wajir South	Diriye Abdullahi Mohamed	ODM/CORD	Maqabul sub-clan
Mandera	Mandera West	Mohamed Maalim	URP/Jubilee	Garre
	Banissa	Mohamed Abdi Haji Mohamed	URP/Jubilee	Garre
	Mandera North	Adan Mohamed Noor	URP/Jubilee	Garre
	Mandera South	Mohamed Adan Huka	URP/Jubilee	Garre
	Mandera East	Abdulaziz Ali Farah	URP/Jubilee	Murullle
	Lafey	Shaaban Ali Isaack	URP/Jubilee	Murulle
Marsabit	Moyale	Roba Sharu Duba	UDF/Amani	Borana
	North Horr	Francis Chachu Ganya	ODM/CORD	Gabra
	Saku	Ali Rasso Dido	URP/Jubilee	Borana
	Laisamis	Joseph Lekuton	ODM	Rendille
Isiolo	Isiolo North	Joseph Samal Lomwa	URP/Jubilee	Turkana
	Isiolo South	Abdullahi Jaldesa Banticha	URP/Jubilee	Borana

Sources: African Press International http://africanpress.me/2013/03/08/kenya-elections-here-is-the-full-list-of-elected-members-of-parliament-elections-4th-march-2013/; *The Kenyan Gazette*, Vol. CXV, no 45, Nairobi, 13 March 2013 and additional news sources, interviews. Note: sequencing and spelling of MP names varies by source.

GOVERNORS BY COUNTY, 2013-

COUNTY	GOVERNOR	PARTY/COALITION	COMMUNAL GROUP
Garissa	Nathif Jama Adam	Wiper Democratic Movement-Kenya	Ogaden, Aulihan
Wajir	Ahmed Abdullahi Mohamad	Orange Democratic Movement	Degodia
Mandera	Ali Ibrahim Roba	United Republican Party	Garre
Marsabit	Ukur Yatani Kanacho	Orange Democratic Movement	Gabra
Isiolo	Godana Doyo Abdi	United Republican Party	Borana

Source: The Kenyan Gazette, Vol. CXV, no 45, Nairobi, 13 March 2013, p. 1749; and additional sources.

SENATORS BY COUNTY, 2013-

COUNTY	SENATOR	PARTY/COALITION	COMMUNAL GROUP
Garissa	Mohamed Yusuf Haji	The National Alliance	Ogaden, Abdalla
Wajir	Abdirahman Ali Hassan	Orange Democratic Movement	Ogaden, Muhamamed Zubeir
Mandera	Adan Kerow Billow	United Republican Party	Garre
Marsabit	Godana Hargura	Orange Democratic Movement	Rendille
Isiolo	Mohamed Abdi Kuti	United Republican Party	Sakuye

Source: The Kenyan Gazette, Vol. CXV, no 45, Nairobi, 13 March 2013, pp. 1750-51; and additional sources.

COUNTY WOMEN REPRESENTATIVES TO THE NATIONAL ASSEMBLY, 2013-

COUNTY	MP	PARTY/COALITION	COMMUNAL GROUP
Garissa	Shukra Hussein Gure	Wiper Democratic Movement-Kenya	Ogaden
Wajir	Fatuma Ibrahim Ali	Orange Democratic Movement	Degodia
Mandera	Mahbub Fathia	United Republican Party	Garre
Marsabit	Nasra Ibrahim Ibren	Orange Democratic Movement	Garre
Isiolo	Tiyah Galgalo Ali	The National Alliance	Borana

Source: The Kenyan Gazette, Vol. CXV, no 45, Nairobi, 13 March 2013, p. 1752; and additional sources.

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