



Emancipation of the North: Assessing the utility of the Network-for-Networks approach in the CEWARN framework to create a peaceful environment in the Northern Rift Region

By Sheena Taji Kuchio

145741

Prepared under the supervision of Dr Melissa Wanjiku Muindi

December 2024

Word count: 11,997 Words

Declaration

I, SHEENA TAJI KUCHIO, do hereby declare that this research is my original work and that to the best of my knowledge and belief, it has not been previously, in its entirety or in part, been submitted to any other university for a degree or diploma. Other works cited or referred to are accordingly acknowledged.



Signed:

Date:31st December 2024.....

This dissertation has been submitted for examination with my approval as University Supervisor.

Signed:.....

Dr Melissa Wanjiku Muindi

Date:

Table of Contents

Abstract	10
Chapter One	11
1.1 Introduction	11
1.2 Statement of the problem	13
1.3 Research Objectives	13
1.4 Research Questions	14
1.5 Significance of the Study	14
1.6 Hypothesis	15
1.7 Theoretical Framework	15
1.8 Literature Review	18
1.8.1 Justifications of Pastoral Conflict	19
1.8.2 The State’s Primary Duty to Ensure Lasting Peace in Northern Kenya	19
1.8.3 Resolving Pastoral Conflict	20
1.9 Research Methodology	21
1.10 Limitation of the study	22
1.11 Chapter breakdown	22
Chapter Two	23
2.1 Introduction	23
2.2 Kenyan Legislative Framework	23
2.2.1 Penal Code	24
2.2.1.1 The Nature of the Crime	24
2.2.1.2 The Elements of the Crime	25
2.2.2 Criminal Procedure Code	29
2.2.2.1 The proper forum to hear the case	29
2.2.2.2 The remedies available	31
2.3 Conclusion	33
Chapter Three	34
3.1 Introduction	34
3.2 Consensual International Standards	34
3.2.1 Consultation and Participation	34
3.2.2 Protection of the Pastoral Sector	36
3.2.3 Environmental Sensitivity	37

3.2.4 Government Coordination and Regional Cooperation	37
3.3 Conclusion	38
Chapter Four	40
4.1 Introduction	40
4.2 The CEWARN System	40
4.2.1 IGAD CEWARN System	41
4.2.2 Application of Early Warning Early Response System in Kenya	42
4.2.3 Challenges of implementing the EWER System	43
4.3 Justifications of basing the study on Côte d'Ivoire	43
4.3.1 West African Region Position	43
4.3.2 The Network-for-Networks Approach	44
4.3.3.1 Community Network Level	45
4.3.3.2 National Network Level	46
4.3.3.3 Civil Society Network Level	46
4.3.3.4 Multilateral Institutions Network Level	47
4.3.4 Benefits of the Networks-for-Networks Approach	47
4.3.4.1 Sealing data gaps	47
4.3.4.2 Opening up bottlenecks	48
4.3.4.3 Addressing the warning-response gap	48
4.4 Conclusion	48
Chapter Five	49
5.1 Recommendations	49
5.1.1 Extending the CEWARN approach to mitigate Pastoral Violence	49
5.1.2 Applying the NfN approach in CEWARN in Kenya	49
5.1.3 Creating an Enabling Environment for the operation of the CEWARN in Kenya.	50
5.2 Suggestions for Future Research	50
5.3 Summary and Conclusions	50
Bibliography	52

List of Cases

Anthony Mativo Kioko v Republic (2017), eKLR

Charles Henry Nyaoke v Cabinet Secretary, Ministry of Interior and Coordination of National Government & 4 others (2020), eKLR

Francis Barrallon v Rex (1921)

Galana v Republic (2005] 2 KLR 58

Gathara v Republic (2005) 2 KLR 58.

Gervasio Kithure Mwenda v Republic (2017), eKLR

Hassan v Republic (2005) 2 KLR 151

Kanji Naraji v R (1923) 9 KLR

Karanja and Others v Republic (2011) eKLR

Kariuki and another v Republic [2005] 2 EA 97

Kigoye and another v Uganda (1970) EA 402

Kolongei v Republic (2005) 1 KLR 7

Mathai v Republic [1983] KLR 422

Michael Mhuto v Republic (1975) LRT 72

Mohamed Abdi & 4 others v Minister Office of the President & 2 Others (1999), eKLR

Morjaria v Republic (1972) eKLR

Muraguri s/o Muigai and another v Regina (1953) 26 KLR 83

Okeno v Republic (1972) EA 32

Opoya v Uganda (1967) EA 752

Peter Kariuki Muibau & 11 others vs The Attorney General & another (2018), eKLR

Republic v Dishon Musau Kithuga (2017) eKLR; *Makeru v Attorney General* (2023) eKLR

Republic v Gibson Nangat Stephen [2017] eKLR

Republic v Principal Magistrate's Court at Githunguri and another ex parte Thuo and another
(2005) 2 KLR 67

Republic v John Sotini (2006), eKLR

Rex v Kipkorr arap Keturat (1916) 6 EALR 6

Rex v Maksud Ali s/o Hakam Shah (1942) 9 EACA 76

Sefu Ally v Republic (1976) LRT 215

Shaw v Director of Public Prosecutions (1962) AC 220

State v Truphena Ndonga Aswani (2021), eKLR

Wamavuno v Uganda (2001) 2 EA 608

William Warui v Republic (1982)

Yasamu v Uganda (2002) 2 EA 568

List of Legal Instruments

Constitution of Kenya (2010)

Criminal Procedure Code (Cap 75)

National Cohesion and Integration Act (CAP 7N)

Preservation of Public Security (CAP 57)

Private Security Regulation (CAP 207)

Security Laws (Amendment) Act (No. 19 of 2014)

Common African Position on the Post 2015 development Agenda (2014)

Agreement Establishing the Intergovernmental Authority on Development (1996)

Protocol Relating to the Establishment of the Peace and Security Council of the African Union (2002)

Penal Code (Cap 63)

United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious, and Linguistic Minorities.

International Covenant on Civil and Political Rights.

United Nations Declaration on the Rights of Indigenous Peoples.

List of Abbreviations

ACCORD	African Centre for the Constructive Resolution of Disputes
ACLED	Armed Conflict Location and Event Data Project
APSA	African Peace and Security Architecture
ASAL	Arid and Semi-arid Lands
AU	African Union
CAAU	Constitutive Act of the African Union
CAP	Common African Position
CEWARN	Conflict Early Warning and Response Mechanism
CEWS	Conflict and Early Warning System
Cop School	Copenhagen School of critical security studies
CPC	Criminal Procedure Code
CSS	Critical Security Studies
DCF	Drought Contingency Fund
DCFP	Drought Contingency Fund Project
EA	Eastern Africa
ECOWARN	Early Warning and Response Network for the Economic Community of West

African States

ECOWAS	Economic Community of West African States
EWS	Early Warning Systems
FAO	Food and Agriculture Organization
GDP	Gross Domestic Product
GoK	Government of Kenya
GSU	General Service Unit
IGAD	Intergovernmental Authority on Development
IGADD	Intergovernmental Authority on Drought and Development
ILEW-TA	Integrated Livestock Early Warning and Timely Action
IMAM	Integrated Management of Acute Malnutrition
IMPACT	Indigenous Movement for Peace Advancement and Conflict Transformation
Interpeace	International Organisation for Peacekeeping
IOM	International Organisation for Migration
N-CEWARN	National Conflict Early Warning and Early Response System
NCCRM	National Centre for the Coordination of the Response Mechanism
NfN	Network-for-Networks Approach

NRR	Northern Rift Region of Kenya
OAU	Organisation for African Unity
OPA	Orwa Peace Accord
OSCS	Observatory for Solidarity and Social Cohesion
PSC	Peace and Security Council
R2P	Responsibility to Protect
REC	Regional Economic Community
UNDPO	United Nations Department of Peace Operation
WANEP	West Africa Network for Peacebuilding

Abstract

Cattle rustling has been a perennial issue in the Northern Rift Region of Kenya (NRR). It has led to both loss of lives and loss of livelihoods for the inhabitants of this region. Unfortunately, this persistent practice does not seem to have attracted much attention from the state as evidenced by their reluctance to legislate and directly address the problem. Private individuals and humanitarian actors have been forced to spearhead the movement against cattle rustling in place of the state, with obvious shortcomings. The study has taken a doctrinal legal research approach to ascertain the extent of the state's primary mandate to maintain peace in the NRR. Using the state of Côte d'Ivoire as a case study, the research also shows how the Network-for-Networks (NfN) approach in the Conflict Early Warning and Response Mechanism system (CEWARN) can be an effective tool in curbing the effects of cattle rustling in Kenya. CEWARN has proven to be a helpful mechanism in regulating violence in the state of Côte d'Ivoire. This long-term and integrated approach to addressing cattle rustling may be the long awaited solution to Kenya's never ending cattle rustling debacle.

Chapter One

1.1 Introduction

The Strathmore Law Clinic, a group of law students inspired by the common goal of access to justice, travelled to Maralal (Samburu County) to offer legal aid to the residents of this marginalised county in 2023.¹ Often, only stories of tribal conflict, violence and mass murder hail from this region. Less often, narratives of justice and lasting peace are told. 93% of news articles in Kenya on pastoralists are about drought and conflict; about 51% of these articles present pastoralists as the cause of the conflict rather than its victims. In India, on the other hand, 60 percent of articles reviewed portrayed pastoralists as victims “who have lost access to grazing land because of the growth of industrial agriculture, the dominance of more powerful social groups, and limits to grazing in forested land, among others.”² In 2021, in just three counties of Northern Kenya, 211 cases of cattle rustling were recorded.³ 77 people were killed in the region, 22,708 cattle were stolen and remained unrecovered.⁴ There is a natural human tendency to become numb to the scale of harm caused when presented with such large numbers.⁵ But 77 civilians represent 77 households, or 77 families that have been left without their primary source of income, or 77 citizens who simply did not need to lose their lives. The scale of livelihood that was impacted paints a picture that is just as gloomy. Cattle are the main source of living, of sustenance and of identity for the nomadic communities living in these areas.⁶ Moreover, the extent of displacement among the pastoralists who have opted for a more sedentary lifestyle often goes unmentioned.⁷ They are forced to abandon their households, and often their main means of survival.

Cattle rustling has been a long-standing intercommunity ‘practice’ among several tribes in the Northern Rift Region. Extensive academic work has been undertaken in an attempt to rationalise

¹ Lwanga S, President of the Strathmore Law Clinic, ‘Strathmore Law Clinic Legal Aid Caravan’ —<[Strathmore Law Clinic Legal Aid Caravan 2023](#)>— on 22 November 2023.

² The New Humanitarian ‘Pastoralism’s economic contributions are significant but overlooked’ 16 May 2013 —<[Pastoralism’s economic contributions are significant but overlooked](#)>— on 18 September 2024.

³ The National Police Service, Annual Report (2021).

⁴ The National Police Service, Annual Report (2021).

⁵ Liao M, ‘Who is afraid of numbers?’ 20 *Utilitas* 4, 2008, 447-461.

⁶ Amwata A, Nyariki D, and Musimba N, ‘Factors influencing agro pastoral and pastoral households vulnerability to food insecurity in the drylands of Kenya: A case study of Kajiado and Makueni Counties’ 26 *Journal of International Development* 5, 2015.

⁷ Daily Nation ‘Call to help villagers displaced by cattle rustlers return home’ 6 June 2013 —<[Call to help villagers displaced by cattle rustlers return home - Kenya | ReliefWeb](#)>— on 26 November 2023.

it. Some have explained that it is a redistribution practice that helps pastoralists to deal with frequent bouts of drought and lack of adequate pasture.⁸ Others have argued that it is part of the identity of some communities.⁹ Some scholars have tracked the evolution of the cattle rustling from a traditional practice to a violent commercialised practice.¹⁰ Unfortunately, some scholars have reduced cattle rustling to a backward cultural practice suggesting that it does not deserve much attention because it will eventually resolve itself.¹¹ No matter how one may choose to justify it, cattle rustling is a dangerous activity, and the citizens of the country must be protected from it at all costs by the state. This is not to say that there have been no attempts at ensuring that cattle rustling is addressed. Different independent organisations have attempted to facilitate reconciliation sessions and the signing of agreements.¹² Nevertheless, these attempts are often in the form of simple drop-ins every now and then which cannot put an end to a custom that has been perpetuated over centuries.¹³ Most of these attempts have also been spearheaded by humanitarian actors, non-governmental organisations and very motivated individuals.¹⁴ The government seems to have taken a step back. It is the state that has the primary duty to protect its citizens, a role that cannot be delegated for several reasons.¹⁵ The approach of the current law is to leave these atrocities in a state of limbo. If the law was to treat cattle rustling with the attention it

⁸ Toulmin C, 'Tracking through drought: options for destocking and restocking' in Ian Scoones (ed.), *Living With Uncertainty: New directions in pastoral development in Africa*, Intermediate Technology Publications, London, 1994, 95–115; Loughlin B, Witmer F, Linke A, Laing A, Gettelman A, and Dudhia J, 'Climate variability and conflict risk in East Africa, 1990–2009', 109 *Proceedings of the National Academy of Science* 45, 2012, 18344–18349.

⁹ Katsuyoshi Fukui and David Turton (eds), *Warfare Among East African Herders*, Senri Ethnological Studies, National Museum of Ethnology, Osaka, 1979; Sandra Gray, Mary Sundal, Brandi Wiebusch, Michael A. Little, Paul W. Leslie, and Ivy L, 'Cattle Raiding, Cultural Survival and Adaptability of East African Pastoralists' 44 *Pike Current Anthropology* 5, 2003, 3-30.

¹⁰ Hendrickson D, Armon J, Mearns R, 'The changing nature of conflict and famine vulnerability: the case of livestock raiding in Turkana District, Kenya', 22 *Disasters* 3, 1998, 185-199.

¹¹ Sandra Gray, Mary Sundal, Brandi Wiebusch, Michael A. Little, Paul W. Leslie, and Ivy L, 'Cattle Raiding, Cultural Survival and Adaptability of East African Pastoralists' 44 *Pike Current Anthropology* 5, 2003, 3-30.

¹² *Mohamed Abdi & 4 others v Minister Office of the President & 2 Others* (1999), eKLR; *Republic v John Sotini* (2006), eKLR; *Anthony Mativo Kioko v Republic* (2017), eKLR; *Gervasio Kithure Mwenda v Republic* (2017), eKLR.

¹³ Armed Conflict Location & Event Data Project (ACLED) 'Kenya: Government Operation Against Pastoralist Militias in North Rift Region' 23 March 2023 —<[Kenya Situation Update: March 2023 | Government Operation Against Pastoralist Militias in North Rift Region](#)>— on 6 March 2024. The most recent government attempt to bring harmony in the NRR was the launching of a disarmament policy which failed to reduce the frequency of cattle rustling incidents.

¹⁴ Okumu, 'Youth-led Peace Caravans and Inter-community Peace building among Pastoralists in Northwestern Kenya' The African Centre for the Constructive Resolution of Disputes (ACCORD) —<[Youth-led peace caravans and inter-community peace building among pastoralists in North-Western Kenya](#)>— on 17 December 2023; International Organisation for Peace Building, 'Creating epicentres for peace in the North Rift Region in Kenya' Interpeace, 20 April 2022, —<[Creating epicentres for peace in the North Rift Region in Kenya - Interpeace](#)>— on 17 December 2023; Maalim A, 'Women contribute to a culture of violence and should therefore be involved in resolving conflicts' Finn Church Aid, 12 October 2018 —<[Women contribute to a culture of violence and should therefore be involved in resolving conflicts - Finn Church Aid](#)>— on 18 December 2023; Evers L 'Working for peace in Northern Kenya' Relief Web, 7 January 2015 —<[Working for peace in Northern Kenya](#)>— on 16 December 2023.

¹⁵ *United Nations Department of Peace Operation, The Protection of Civilians in United Nations Peacekeeping*, Ref.2023.05, 1 May 2023, 5.

deserves, rather than assuming it will resolve itself like any other backwards cultural practice, then the people of NRR stand a chance at living peaceful lives.¹⁶

1.2 Statement of the problem

The perpetual reality of the NRR has been reduced to constant insecurity, ethnic violence, murder, displacement and fear because of activities like cattle rustling. Cattle rustling has slowly evolved from a redistribution practice that was regulated by community norms to a violent commercialised practice. In spite of this significant shift, it seems that the legal framework in place to address this problem is insufficient and moreover, the state has relegated its primary role to create a habitable environment to other private actors. Organisations like International Organisation for Peacekeeping (Interpeace), Indigenous Movement for Peace Advancement and Conflict Transformation (Impact) and members of the affected communities have conducted mediation sessions, led peace caravans and even facilitated the signing of agreements like the Orwa Peace Accord (OPA). To navigate this difficult situation in the NRR, the government needs a long-term and integrated approach that will outlive it and maybe even become part of its legacy. For these reasons, the study will analyse the legal and regulatory framework in place to identify its gaps and weaknesses. Thereafter, it will look at international standards and propose the application of the NfN approach in the CEWARN system, as has been done in Côte d'Ivoire, to institute a long-term integrated solution to mitigating the effects of cattle rustling in the NRR. The study is limited to the 5 counties of the Northern Rift Region (NRR) that have been historically associated with pastoral conflict and cattle rustling; Turkana, West Pokot, Elgeyo Marakwet, Baringo and Samburu.¹⁷

1.3 Research Objectives

The main objective of this study is to suggest a legal-social framework to mitigate the dangerous effects of cattle rustling practice in the NRR.

¹⁶ Greiner C, 'Guns, land, and votes: Cattle rustling and the politics of boundary (re)making in Northern Kenya' 112 *African Affairs* 447, 232.

¹⁷ National Cohesion and Integration Commission of Kenya and International Organisation for Peacebuilding, *Impediments to Peace and Community Resilience in Kenya's North Rift Region*, January 2021, 2. Available at: [-<North Rift Regional Note | Interpeace>-](#).

The following are the specific objectives of the study:

- a) Identify the current legal framework in place in Kenya to address the problem of cattle rustling.
- b) Identify the international standards for addressing cattle rustling to identify the gaps in the Kenyan legal framework.
- c) Interrogate the application and effectiveness of the NfN approach in the CEWARN system in Côte d'Ivoire to regulate conflict and specifically pastoral conflict. Thereafter, recommend how the state can effectively deal with the violence triggered by cattle rustling in the NRR through this framework.

1.4 Research Questions

The main research question of this study is to investigate whether a legal-social framework can mitigate the dangerous effects of cattle rustling practice in the NRR.

The following are the specific questions that the study will answer:

- a) What is the current legal framework in place in Kenya to address the problem of cattle rustling?
- b) After looking at the international standards for addressing cattle rustling, which gaps exist in the Kenyan legal framework?
- c) How does the CEWARN system operate in Côte d'Ivoire to regulate conflicts and how can the government of Kenya use it to effectively deal with the violence triggered by cattle rustling in the NRR?

1.5 Significance of the Study

Cattle rustling has been a longstanding issue in the Northern Region of Kenya. In line with this, the Kenyan Government seems to have constantly relegated its duty to protect the residents of this region to other humanitarian actors. This study is fundamental to first establish the legal framework in Kenya for addressing cattle rustling. The research then analyses international standards to identify gaps in Kenya's own legislation. The NfN approach which has been applied to the CEWARN system in Côte d'Ivoire will be suggested as an effective tool to resolve the cattle rustling practice. This will assist both policy makers and members of the community to

navigate the volatile and the ever-changing landscape of violence in the NRR.

1.6 Hypothesis

This study tests the hypothesis that, if the NfN approach to the CEWARN system is implemented by the Kenyan Government, then it may prove to be a long-term and integrated solution to cattle rustling in the NRR region.

1.7 Theoretical Framework

The state is a mechanism by which people seek to find security against threats to life, liberty and estate.¹⁸ This is one of the theoretical foundations of a democracy as posited by John Locke. The role of the state as provider of security is the foundation of the theory of Critical Security Studies (CSS) or the Securitization theory.¹⁹ CSS theory was constructed to specifically question what security is and who it is for.²⁰ Security is a universal aspiration to live in the expectation that life and physical integrity will not be threatened by any other person or group.²¹ In the context of a state and its citizens, citizens have a right to live with the expectation that their lives and livelihoods will be free from interference.²² There are two main approaches to the CSS theory.²³

The first is the Copenhagen School (Cop School) which views security as a method through which the state attempts to accumulate unbridled power. This school originally consisted of Barry Buzan, Ole Wæver and Jaap de Wilde.²⁴ The proponents of this school argue that because 'elite actors' (politicians or holders of state office) are in a position of power, the added legitimacy of their positions will make it more likely that whatever they declare to be a security issue will

¹⁸ Locke, John, 1632-1704. *The Second Treatise of Civil Government and A Letter Concerning Toleration*. Oxford :B. Blackwell, 1948.

¹⁹ Booth K, 'Security and Emancipation' 17 *Review of International Studies* 4, 1991, 313 - 326. This was one of the first studies to mention security studies separately from other disciplines.

²⁰ Nyman J, 'What is the value of security? Contextualising the negative/ positive debate' 42 *Review of International Studies* 5, 2016, 824.

²¹ Brock, L. "Security Through Defending the Environment: An illusion." in Boulding, E. *New Agendas for Peace Research: Conflicts and Security Re-examined*, (Lynne Rienner Publishers: London, 1992), 95.

²² Alex Bellamy, 'Responsibility to protect: The global effort to end mass atrocities', London, 2009, 6.

²³ Rita Floyd, 'Towards a consequentialist evaluation of security: Bringing together the Copenhagen and the Welsh Schools of security studies', 33 *Review of International Studies* 2, 2007, 327-350; Gunhild Hoogensen Gjörv, 'Security by any other name: Negative security, positive security, and a multi-actor security approach', 38 *Review of International Studies* 4, 2012, 851.

²⁴ Wæver O, 'Securitization and Desecuritization' in Lipschutz R (ed), *On Security* Columbia University Press, New York, 1995, 46 - 87.

become one.²⁵ Securitization has to do with the use of discourse to label something as security-related and this is always a political issue.²⁶ Labeling something as a security threat justifies the use of extraordinary means to resolve it and therefore removes it from the realm of public debate and regular political procedures. Securitization justifies actions outside the normal bounds of political procedure and so the Cop school argues that security is a negative value that should be avoided.²⁷ This theory overlooks the fact that the securitization process ensures that some fundamental issues are prioritised, in terms of funding and policy attention. The issue of cattle rustling in the NRR for example is in great need of state attention and would greatly benefit from the process of securitization.

The second influential school of thought is the Welsh School which emphasises that security is a form of emancipation, a fundamental human need.²⁸ It is for this reason a positive value that ought to be fought for.²⁹ The earliest and main proponents of the Welsh School are Ken Booth, Richard Wyn Jones and Pinar Bilgin. Ken Booth explained that the ultimate goal of security is emancipation.³⁰ Emancipation is related to broader political transformation which allows people to make decisions and live lives beyond merely survival. Eventually, the school developed three key tenets that characterise security as emancipation under the Welsh School; recognition of individuals as ultimate referents of security, emphasis on the political underpinnings and implications of security praxis, and a normative commitment towards emancipatory transformations.³¹

The first fundamental tenet emphasises that security is human-centred. The school looks at humans as an irreducible unit of political life; unlike groups or a state. For this reason, it is important to focus on the individual to engage with and understand the real conditions of existence in the world.³² This can be contrasted with the Cop School whose sole focus was the state. Being a human means having a body with a social background in an environment that

²⁵ Buzan B, Waever O and Wilde J 'Security: A New Framework for Analysis' Lynne Rienner Publishers, Boulder Colorado, 1998, 31.

²⁶ Buzan B, Waever O and Wilde J 'Security: A New Framework for Analysis' Lynne Rienner Publishers, Boulder Colorado, 1998, 29; *Wæver O*, 'Securitization and Desecuritization' in Lipschutz R (ed), *On Security* Columbia University Press, New York, 1995, 54.

²⁷ Nyman J, 'What is the value of security? Contextualising the negative/ positive debate' 42 *Review of International Studies* 5, 2016, 824.

²⁸ Booth K, 'Security and Emancipation' 17 *Review of International Studies* 4, 1991, 313 - 326.

²⁹ Nyman J, 'What is the value of security? Contextualising the negative/ positive debate' 42 *Review of International Studies* 5, 2016, 824.

³⁰ Booth K, 'Security and Emancipation' 17 *Review of International Studies* 4, 1991, 319.

³¹ Wyn R, *Security, Strategy and Critical Theory*, Lynne Rienner, Boulder, CO and London, 1999, 166.

³² Booth K, *Theory of World Security*, Cambridge University Press, Cambridge, 2007, 225.

makes life possible. It also implies the capacity to reflect on one's personal position and make choices about how to live a good life, once the pressing concerns about immediate well-being and survival are alleviated.³³ The role of security scholarship is to identify and redress the structures that prevent humans from exploring this potential.³⁴

Secondly, security is a political concept with political implications. Security responses are influenced by political interests, power struggles and political goals. Security also has political implications. It shapes politics by questioning and transforming existing frameworks towards the realisation of emancipatory alternatives.³⁵ The final tenet of security under the Welsh school is emancipation, which emphasises security's transformation-oriented nature. Ken Booth defined emancipation as the freeing of people (individuals and groups) from physical and human constraints which stop them from carrying out what they would freely choose to do.³⁶ These constraints only allow individuals to focus on the most important aspect, their survival, drawing their attention away from making decisions that positively alter the course of their lives. Security according to the Welsh aims at achieving a life less determined by structural impediments. The proponents of this theory have acknowledged that emancipation is a long and painstaking process without a uniform definition world over. It can only be properly defined by local stakeholders in concrete situations.³⁷ Without emancipatory aspirations, policy developments to resolve security issues may introduce new aspects of insecurity or even reproduce the condition of insecurity of individuals or groups.

This school of thought addresses the weaknesses of the Cop School of Security. Unlike the Cop School, the Welsh School recognises that security issues are complex and cannot simply be determined by the speech act of an individual. Instead, they are a multi-faceted condition constituting a network of oppressive relations and structures which determines the lives of those in society.³⁸ Security issues can range from threats of direct body violence, to political and

³³ Shepherd L, *Critical Approaches to Security: An introduction to theories and methods*, 1st edition, Routledge, London and New York, 2013, 66.

³⁴ Wyn R 'On Emancipation: Necessity, Capacity and Concrete Utopias' in Booth K (ed), *Critical Security Studies and World Politics*, Lynne Rienner, London and Boulder, 227.

³⁵ Fierke K, *Critical Approaches to International Security*, 2nd edition, Polity, Cambridge, 2007, 33; Booth K, 'Critical Explorations' in Booth K (ed), *Critical Security Studies and World Politics*, Lynne Rienner, London, 2005, 10.

³⁶ Booth K, 'Security and Emancipation' 17 *Review of International Studies* 4, 1991, 319.

³⁷ Basu S. 'Security as Emancipation: A Feminist Perspective' in Tickner J and Sjoberg J (eds), *Twenty Years of Feminist International Relations: A Conversation about the Past, Present and Future*, Routledge, London and New York, 2011, 101.

³⁸ Booth K, 'Nuclearism, Human Rights and Constructions of Security (Part 2)' 3 *The International Journal of Human Rights* 3, 1999, 49.

economic forms of oppression like slavery. This concept of security also takes into account different contextual realities. Through the insistence of focusing on individuals and groups in their unique contexts, this concept of security allows for a wider range of application. The Welsh conception of security comes with its fair share of criticism. One critic that has been levelled against it is the lack of addressing the reality of power politics.³⁹ This happens where certain individuals in a particular group under the threat of insecurity prefer to maintain that structure for the sake of their power. If interests within one group collide, would the majority simply have their say? Can everyone in the group be emancipated when the majority prefer to maintain the imbalanced structures that oppress the minority? The school has not provided an adequate answer for this.

In the context of the NRR however, the best theoretical approach to take is the Welsh school of CSS. The residents of Northern Kenya are in urgent need of emancipation from the cycle of violence that has characterised their lives over decades. Even though the Copenhagen school argues that security can be a negative value, at this point in time state involvement is not only encouraged, but greatly necessary. Moreover, the Welsh conception of security aims to provide a lasting solution to structures and practices that have been the sources of insecurity for long periods of time. This is the exact situation of the inhabitants of the NRR. Cattle rustling has been a longstanding practice that has evolved over time to ensure that it is propagated over and over again. Security as emancipation is likely to put an end to this cycle.

1.8 Literature Review

This section delves into existing literature that is relevant to the current study. It begins by touching on why pastoralism is so often associated with conflict.⁴⁰ Several scholars have devoted their studies to justify pastoral conflict and its development. Understanding the motivation behind this deep-rooted practice is fundamental in crafting the way forward. This section also looks into the primary responsibility of the state to protect (R2P) and how to merge this with the conflict arising in NRR.

³⁹ Bilgic A, 'Real people in real places: Conceptualising power for emancipatory security through Tahrir' 46 *Security Dialogue* 3, 2015, 272-290.

⁴⁰ Lamphear J, 'The People of the Grey Bull: the origin and expansion of the Turkana', 29 *Journal of African History* 1, 1988, 27-39.

1.8.1 Justifications of Pastoral Conflict

The evolution of pastoral conflict has resulted in a wide range of literature dedicated to simply rationalising the connection between pastoralism and hostility.⁴¹ Waller and Galaty explain that before colonialism, cattle raiding was typically associated with territorial expansion especially for communities like the Maasai, Pokot and Turkana.⁴² Gray, on the other hand, argues that cattle raiding is a dysfunctional cultural practice which has placed the life of cattle above the life of humans. In trying to preserve their identity, they undermine their chances of survival.⁴³ There are also ecological arguments proposing that cattle raiding is simply a method of recovery after frequent bouts of drought that pastoralists face in arid areas.⁴⁴

Pastoralism in the modern era has also witnessed new conceptions of the motivation behind cattle raiding.⁴⁵ This ranges from the proliferation of modern firearms to the politicisation of the different regions of Northern Kenya.⁴⁶ One of the main strengths of the authors who choose to take the path of rationalising pastoral conflict is that they often have an opportunity to directly interact with members of the community. Greiner, for example, held formal interviews with community elders, chiefs and informal exchanges in East Pokot to conclude that pastoral conflict has been weaponized by politicians.⁴⁷ Their evidence is straight from the subjects being studied. One of the major downsides however is that pointing out a problem and the motivation behind it, without offering any solution, is an exercise in futility. However, knowing why a problem exists is also one of the key steps towards crafting a way to resolve it, which is the primary duty of the state as shall be addressed in the next section of the literature review.

1.8.2 The State's Primary Duty to Ensure Lasting Peace in Northern Kenya

The Responsibility to Protect (R2P) principle emerged as a response to mass atrocities committed

⁴¹ Lamphear J, 'The People of the Grey Bull: the origin and expansion of the Turkana', 29 *Journal of African History* 1, 1988, 27–39.

⁴² Waller R, 'Ecology, migration, and expansion in East Africa', *African Affairs* 84, 336 (1985), pp 347–70; Galaty J, 'Maasai expansion and the new East African pastoralism', in Thomas Spear and Richard Waller (eds), *Being Maasai: Ethnicity and identity in East Africa* (James Currey, London, 1993), pp. 61–86.

⁴³ Gray et al., 'Cattle raiding, cultural survival, and adaptability'.

⁴⁴ John Markakis, *Resource Conflict in the Horn of Africa* (Sage, London, 1998); Camilla Toulmin, 'Tracking through drought: options for destocking and restocking' in Ian Scoones (ed.), *Living With Uncertainty: New directions in pastoral development in Africa* (Intermediate Technology Publications, London, 1994), pp. 95–115.

⁴⁵ Kennedy A. Mktutu, *Guns and Governance in the Rift Valley: Pastoralist conflict and small arms* (James Currey, Oxford, 2008); McCabe, *Cattle Bring Us to Our Enemies*.

⁴⁶ Greiner C, 'Guns, land, and votes: Cattle rustling and the politics of boundary (re)making in Northern Kenya' 112 *African Affairs* 447, 2013, 221–237.

⁴⁷ Greiner C, 'Guns, land, and votes: Cattle rustling and the politics of boundary (re)making in Northern Kenya', 218.

all over the world during the 1990s.⁴⁸ The principle has several implications. First, the international community should intervene and halt crimes of ethnic cleansing. Secondly, even though the international community has a duty to intercede in extreme circumstances, the state has the primary responsibility to ensure that there is lasting peace.⁴⁹ One of the key foundations of this duty lies in the concept of internal sovereignty. A state's responsibility to protect the dignity and basic rights of its citizens flows from its internal sovereignty.⁵⁰ State responsibility is also a requirement to maintain internal sovereignty; if a state fails to protect its citizens, then the international community has a resultant duty to intervene and ensure that the state's duty is fulfilled. The R2P principle has its own challenges, including a state's unwillingness to act.⁵¹ There is still a consensus however that the R2P is a fundamental truth based on 'shared understanding and consensus'.⁵²

This principle, and its accompanying rationale, must be extended to the duty of the Government of Kenya (GoK) to ensure that there is lasting peace in the NRR. The state's roles have been consigned to other state actors who lack the authority, financial capacity and the responsibility that the state has.⁵³

1.8.3 Resolving Pastoral Conflict

Most of the literature surrounding the methods of preservation of peace among pastoral communities has been championed by international bodies such as the International Organisation for Migration (IOM) and the World Bank.⁵⁴ One of the key ways to ensure that conflict is

⁴⁸ Global Centre for the Responsibility to Protect, 'What is R2P?' —<[What is R2P? - Global Centre for the Responsibility to Protect](#)>— on 19 December 2023.

⁴⁹ National Cohesion and Integration Commission of Kenya and International Organisation for Peacebuilding, Impediments to Peace and Community Resilience in Kenya's North Rift Region, January 2021, 2. Available at: —<[North Rift Regional Note | Interpeace](#)>—.

⁵⁰ Palmieri N, 'The Responsibility to Protect' 26 *Willamette Journal of International Law and Dispute Resolution* 1/2, 2019, 46. Available at:—<[The Responsibility to Protect](#)>—.

⁵¹ Evans G, 'The Responsibility to Protect: Ending Mass Atrocity Crimes Once and for All' 20 *Irish Studies in International Affairs* 1, 2009, 7-13.

⁵² Alex Bellamy, 'Responsibility to protect: The global effort to end mass atrocities', London, 2009, 6.

⁵³ Okumu, 'Youth-led Peace Caravans and Inter-community Peace building among Pastoralists in Northwestern Kenya' The African Centre for the Constructive Resolution of Disputes (ACCORD) —<[Youth-led peace caravans and inter-community peace building among pastoralists in North-Western Kenya](#)>— on 17 December 2023; International Organisation for Peace Building, 'Creating epicentres for peace in the North Rift Region in Kenya' *Interpeace*, 20 April 2022, —<[Creating epicentres for peace in the North Rift Region in Kenya - Interpeace](#)>— on 17 December 2023; Maalim A, 'Women contribute to a culture of violence and should therefore be involved in resolving conflicts' *Finn Church Aid*, 12 October 2018 —<[Women contribute to a culture of violence and should therefore be involved in resolving conflicts - Finn Church Aid](#)>— on 18 December 2023; Evers L 'Working for peace in Northern Kenya' *Relief Web*, 7 January 2015 —<[Working for peace in Northern Kenya](#)>— on 16 December 2023.

⁵⁴ International Organisation for Migration —<[Conflict Early Warning and Response Mechanism \(CEWARN\) | Migrants in Countries in Crisis \(MICIC\)](#)>— on 18 December 2023; Defontaine C, 'Setting up early warning and response systems

adequately monitored is through the institution of a CEWARN system. This system would enable the state to obtain information on conflicts in the region *before* they happen and consequently facilitate a preventive rather than reactive approach to peacekeeping.⁵⁵ A major drawback that could arise with the actual application of this system is that it may be too detached from community dynamics.⁵⁶ A system intended for community protection should not fail to be embedded into a community's affairs. If the GoK is to implement this system, setting aside its shortcomings and maximising on its strengths, then the future of the NRR is bright.

This study will attempt to suggest an integrated long-term solution to the pastoral conflict witnessed in Kenya's NRR unlike the author's highlighted above. This is with particular focus on the right to the inhabitants of the NRR to be freed from the cycle of violence that has permeated their lives.

1.9 Research Methodology

This study uses a doctrinal legal methodology. Doctrinal analysis focuses on arranging and ordering legal propositions through legal reasoning and rational deduction.⁵⁷ It looks into both primary and secondary sources. The primary sources to be analysed include existing domestic and international statutes, case law and current state practice. The secondary sources include journal articles, research papers and legal commentaries. The study also looks into the application of the NfN approach in the CEWARN system in Côte d'Ivoire through a comparative analysis. The comparative study method is a method of generalisation based on a specific case.⁵⁸ Côte d'Ivoire was selected because it is an African country like Kenya and both countries therefore exist in the same general context. Pastoralism is a key part of the West African Region (where Côte d'Ivoire is located) and the East African Region (where Kenya is located). The African Union Security Culture has been geared towards maintaining peace in every part of the continent's activities, even extending to pastoral activities taking part in the continent.

to prevent violent conflicts and save lives' February 15 2019, –<[Setting up early warning and response systems to prevent violent conflicts and save lives](#)>– on 19 December 2023.

⁵⁵ Muggah R and Whitlock M, 'Reflections on the Evolution of Conflict Early Warning' 10 *Stability International Journal of Security and Development* 1, 2022, 1-16.

⁵⁶ Muggah R and Whitlock M, 'Reflections on the Evolution of Conflict Early Warning', 8.

⁵⁷ Jain S, 'Doctrinal and Non-doctrinal Legal Research' 17 *Journal of the Indian Law Institute* 4, 1975, 516-536.

⁵⁸ Ragin C and Zaret D, 'Theory and Method in Comparative Research: Two Strategies' 61 *Social Forces* 3, 1983, 731-754.

1.10 Limitation of the study

The following limitation is likely to be faced in the course of the study:

1) Biases when conducting the research. Doctrinal legal research may be problematic because of the propensity to be subjective and provide evidence that advances a particular agenda. Nonetheless, the author is aware of this reality and is an independent party with no agenda to advance other than the truth.

1.11 Chapter breakdown

The study contains five chapters:

- 1) Chapter one gives the background to the study by giving a general overview of the research topic. It underlines the background, research goals, significance, scope of the study and the methodology employed. This chapter also looks into the theoretical framework underlying the study. Critical Security Studies theories give the state a primary responsibility to maintain security for the sake of its citizens. It will be connected to the state's responsibility in relation to cattle rustling and the proper solutions to the problem.
- 2) Chapter two focuses on highlighting the legal framework currently addressing cattle rustling in Kenya. The limited legislation, policies, and judicial precedent dedicated to this weighty issue is one of the key reasons why cattle rustling has remained a problem for so long.
- 3) Chapter three will look into the international standards set in place to address cattle rustling and the gaps within Kenya's own legislation.
- 4) Chapter four focuses on the possible application of the NfN approach in the CEWARN system to deter the practice of cattle rustling, just as it has been applied in Côte d'Ivoire. Its current application in Côte d'Ivoire and its possible adoption into the Kenyan context is the main point of examination.
- 5) Chapter five presents recommendations based on the main findings of the study.

Chapter Two

2.1 Introduction

For a country that has faced pastoral conflict for more than a century,⁵⁹ the Kenyan legislative framework tackling cattle rustling has been very thin. Even in the few situations where relevant laws are found, they only apply indirectly. This chapter will highlight the results of a systemic analysis of legislation in Kenya to investigate the laws currently applying to cattle rustling. Afterwards, the gaps and weaknesses of the current framework will be addressed setting the stage for the next chapter which will highlight the international standards of addressing cattle rustling.

2.2 Kenyan Legislative Framework

Before diving into the legislation addressing this perennial issue, it is important to define what cattle rustling is. There are varying explanations of how cattle rustling occurs but very few concrete definitions of what the actual practice is. Cattle rustling is basically a prolonged series of raids and counterraids.⁶⁰ It is ethnically motivated and characterised by violence, inconsistency and surprise, and loss of lives and livelihoods.⁶¹ The practice was once solely characterised by ethnic significance but is now tainted with the aspect of personal gain.⁶² The courts of Kenya have even acknowledged the deadly practice and its grievous effects. In *Mohamed Abdi & 4 others v Minister Office of the President*, the high court propounded that cattle rustling was ‘the order of the day’ in some regions in Kenya.⁶³ Furthermore, the court went ahead to appreciate that cattle rustling is characterised by imminent death, head-on violence and mass disposition of cattle.

⁵⁹ John Lamphear, ‘The People of the Grey Bull: the origin and expansion of the Turkana’, 29 *Journal of African History* 1, 1988, 27–39; Greiner C, ‘Guns, land, and votes: Cattle rustling and the politics of boundary (re)making in Northern Kenya’ 112 *African Affairs* 447, 218 - 219.

⁶⁰ Fratkin E, ‘East African Pastoralism in Transition: Maasai, Boran, and Rendille Cases’ 44 *African Studies Review* 3, 2001, 1–25.

⁶¹ Cheng K, ‘Northern Kenya's Unending Battle With Banditry and Cattle Rustling’ News Lines Magazine, 16 September 2023 –<[Northern Kenya's Unending Battle With Banditry and Cattle Rustling - New Lines Magazine](#)>– on 17 October 2024.

⁶² Fukui K and Markakis J, ‘Introduction’ in Katsuyoshi Fukui and John Markakis (eds), *Ethnicity and Conflict in the Horn of Africa*, James Currey, London, 1994, 1-11; Hendrickson D, Armon J, and Mearns R, ‘The changing nature of conflict and famine vulnerability: the case of livestock raiding in Turkana District, Kenya’ 22 *Disasters* 3, 1998, 185 - 199.

⁶³ *Mohamed Abdi & 4 others v Minister Office of the President & 2 others* [2000] eKLR.

Cattle rustling is an *ethnic* based *violent* practice whose motivation has evolved over the course of time. Of the 525 legislations available in Kenya, 2 legislations attempt to substantively address cattle rustling: the penal code and the criminal procedure code.

2.2.1 Penal Code

The Penal Code is the local code of criminal law highlighting various criminal offences and their corresponding punishments.⁶⁴ There are various assumptions that could be made in classifying what kind of offence cattle rustling is, and what it has actually been characterised as through law and case law. These two perspectives will be addressed below.

2.2.1.1 The Nature of the Crime

The analysis should start from investigating whether cattle rustling is a crime at all under Kenyan law. The expectation would be to categorise this practice as a crime because of three main consistent elements: (1) Grievous harm, (2) Theft of stock, and (3) Handling of stolen goods. These aspects will be expounded on in the next section, but they are all crimes under the penal code and they all form a fundamental part of the practice of cattle rustling. Classifying cattle rustling as a crime however merely on the basis of this analogy is contrary to the principle of legality.⁶⁵ The principle of legality has two key elements. Firstly, crimes should be clearly provided for in law with precision and clarity.⁶⁶ In other words, no conduct can be held to be criminal unless it is specifically described in a criminal statute beforehand. The rationale behind this principle is that a citizen must understand where they stand with regard to criminal law to measure their conduct and avoid committing an offence.⁶⁷ Secondly, penal statutes must be interpreted strictly for what they say, and not for what they *might* imply.⁶⁸ Cattle rustling fails on both these accounts. The practice is not specifically provided for in law. The only way to draw a parallel between cattle rustling and the penal statute is by interpreting the existing provisions of the penal code broadly, which is contrary to the second prong of the legality principle. Strictly speaking, cattle rustling is not a crime in the jurisdiction of Kenya. For the purposes of the rest of

⁶⁴ Preamble, *Penal Code* (Cap 63).

⁶⁵ *Shaw v Director of Public Prosecutions* (1962) AC 220; *Karanja and Others v Republic* (2011) eKLR, where it was held that a judge may not develop the law to create new criminal offences or to widen existing offences; Musyoka W, *Criminal Law LawAfrica*, Nairobi, 2016, 10-11.

⁶⁶ *Republic v Principal Magistrate's Court at Githunguri and another ex parte Thuo and another* (2005) 2 KLR 67; *Rex v Kipkorr arap Keturet* (1916) 6 EALR 6.

⁶⁷ Stephen Forster, *Criminal Law and Practice*, Sweet & Maxwell, London, 2008, 11.

⁶⁸ *Kolongi v Republic* (2005) 1 KLR 7; *Kanji Naraji v R* (1923) 9 KLR; *Galana v Republic* (2005) 2 KLR 58; *Opoya v Uganda* (1967) EA 752; *Rex v Maksud Ali s/o Hakam Shah* (1942) 9 EACA 76; *Gathara v Republic* (2005) 2 KLR 58.

this section nevertheless, it will be assumed that its constituent offences can be identified as crimes relating to cattle rustling.

2.2.1.2 The Elements of the Crime

As stated above, the constituent offences of cattle rustling include grievous harm, theft and handling stolen goods. It could be argued that even though there is no direct punishment for cattle rustling, its related offences can be penalised and provide an adequate recourse for the crime. As outlined below however, this approach has proved to be inadequate to remedy the situation and hold the individuals at fault responsible for their actions.

a. Grievous Harm

Cattle rustling is characterised by the threat to life and health of community members. Grievous harm is caused by illegally acquired weapons and other forms of violence. In *Republic v Gibson Nangat Stephen*,⁶⁹ the accused person and the deceased were cattle rustlers who worked together. They both owned illegal weapons to aid them in their activities. All this was stated by the accused person himself without any form of visible coercion. The entire case was based on a raid that was carried out two weeks prior to the death of the accused. The perpetrators had travelled to Marakwet to steal cows. Together, they managed to steal five of them and agreed that the deceased would keep them for sharing later. After the deal went sour, the accused person allegedly shot the deceased person and was thereafter arraigned before the court. The accused person was faced with murder charges, but the court clearly focused on only a very small part of the case. The accused person admitted to being involved in cattle rustling activities. He explained in detail how he and his fellow rustler armed and ready for violence stole cattle and agreed to divide them among themselves. The court focused on the misunderstanding that arose between the cattle rustlers and completely ignored the issue of cattle rustling, and the possibility of grievous harm and death that may have been witnessed by the Marakwet community in the course of cattle rustling. It can be argued that the court cannot move *suo moto* until a claim is actually brought before it, and so the members of the community should have approached the court if they expected a remedy.

⁶⁹ *Republic v Gibson Nangat Stephen* [2017] eKLR.

Even when the pleas of a community are before the court, the court is more likely to focus on the harm witnessed by one identifiable party. The case of *Republic v John Sotini* highlights the lingering aftermath of cattle rustling activities between communities.⁷⁰

The accused was a herdsboy from West Pokot. He was herding cattle in his village when some fracas arose and villagers started running around. After he heard gunshots, he decided to run away. Some police officers who were carrying out a police operation in the area, as the accused later found out, shot him in the ankle, arrested him and took him to the police station on suspicion of having been involved in stock theft. He was arrested together with some of his fellow community members who were injured because of the entire operation and one person was notably dead. The court completely ignored the murder and grievous harm caused on the members of the NRR by the police operation that was undertaken after the cattle rustling activities and instead shifted focus to addressing the allegations against the accused. In addition to this, the court did not look into the actual cattle rustling that preceded this operation and the potential effects it might have had on the members of the community, especially because this had a direct bearing on the case. Other cases similarly highlight the friction between members of the police force and members of communities in areas that are prone to cattle rustling.⁷¹

The courts have been very reluctant, to say the least, to actually entertain the possibility of occurrences of grievous harm and death among community members in the NRR. This could possibly be explained by the Executive's operations in the NRR including the implementation of disarmament policies and random security check-ins.⁷² This might discourage the judiciary from interfering and calling to order the cases of violence occasioned on the members of the state more deeply. In any case, the law, the implementers of the law and the interpreters of the law have failed the members of the NRR in this case.

b. Stock Theft

Stock theft as a crime consists of the stealing of cattle including cows, bulls, goats or rams is a criminal offence under the penal code.⁷³ The Parliamentary Report on National Crime Mapping

⁷⁰ *Republic v John Sotini* (2012) eKLR.

⁷¹ *Republic v Dishon Musau Kithuga* (2017) eKLR; *Makero v Attorney General* (2023) eKLR.

⁷² Owino J, 'Northern Kenya's disarmament dilemma' Institute for Security Studies, 30 January 2024 —<[Northern Kenya's disarmament dilemma | ISS Africa](#).>— on 15 October 2024; Armed Conflict Location & Event Data 'Kenya: Government Operation Brings Calm to North Rift Region' 4 August 2023 —<[Kenya Situation Update: August 2023 | Government Operation Brings Calm to North Rift Region](#)>— 14 October 2024; —<[Kenya: Kibaki Orders Military to Go After Baragoi Police Killers - allAfrica.com](#)>— on 14 October 2024; —<[Kenyan security forces deployed after police massacre](#)>— on 13 October 2024.

⁷³ Section 278, *Penal Code* (Cap 63).

grouped cattle rustling and stock theft into one big melting pot which clearly shows that to the state, cattle rustling and stock theft can be considered as one crime.⁷⁴ The same approach was taken in *Mohamed Abdi v Minister Office of the President* where the matter under contention was clearly cattle rustling, facilitated by the local police. The complainants were Somali residents from Isiolo county. As they herded their livestock in Isiolo, a group of policemen accompanied by Samburu herdsman came to their grazing area and rounded up all the cattle which were handed over to the Samburu community members, the allegedly rightful owners. The complainants' 310 herds of cattle (or 277, it was not clear) were seized by the local police and 'returned' to the members of the Samburu community. There were no concrete reports on whether any casualties arose in this haphazard process. The court limited its analysis to stock theft after a long explanation of why the actions of the complainants and the respondent did not amount to cattle rustling. Even if they did amount to cattle rustling, the reality was that the court had no concrete way of dealing with such a crime. The facts were conveniently titled in the court's favour.

The crime of stock theft cannot possibly be equated to cattle rustling. When ethnic-based violence and confrontation are involved robbing citizens of their peace and livelihoods. In any case, courts have been reluctant in issuing any substantive orders in cases of mass stock theft. In the Mohamed Abdi case for example, after the court declared that the crime at hand was not cattle rustling but stock theft, the court refused to review the order of the District Commissioner to hand over the stolen cattle back to the members of the community in Isiolo. The rationale behind this was that the court did not know what happened to the cattle that were taken and therefore issuing such an order is likely to be futile. For this reason, the court encouraged the applicant to seek for a more appropriate forum to resolve their conflict. In other words, the Kenyan courts and the law was inadequate to handle the issue before it.

c. Handling Stolen Goods

On the other hand, when the standard of evidence for conviction of the crime of stock theft has fallen short, courts have instead turned to the crime of handling stolen goods.⁷⁵ The offence of handling stolen goods occurs in respect of a person who receives goods (or by assisting in the retention, disposal, removal, realisation of the property) stolen by another person and the person

⁷⁴ National Crime Research Centre, *Preliminary Report on 2022 National Crime Mapping: Public Perceptions and Experiences of Crime Prevalence in Kenya*, 2022, 20,22, 24, 25, 27.

⁷⁵ Anthony Mativo Kioko v Republic [2018] eKLR, para. 16 - 19.

themselves “must not be connected to the stealing of the goods”.⁷⁶ If the person himself stole the goods or assisted in the stealing of the goods, they will be guilty of the offence of theft.⁷⁷ One of the key ingredients of this offence is the knowledge, or reasonable belief, that the property being received was stolen. Understandably, accused persons rarely admit that they actually knew that property they were given was actually stolen. Courts are forced to deduce whether accused persons should have reasonably believed that property was stolen. In the absence of this knowledge, the doctrine of recent possession applies.⁷⁸ The doctrine applies when a person is found in possession of goods that are very recently stolen. Recent possession raises a presumption of knowledge that the property was actually stolen.⁷⁹ This possession also raises a presumption of guilty connection with any further crime that might have accompanied the theft like Robbery with Violence.⁸⁰

With the commercialisation of cattle rustling, handling and receiving of stolen stock is bound to be a useful offence to regulate the activities of the members of the public. With increased commercialisation across borders where cattle rustlers sell stock to people from neighbouring countries, it is significantly difficult for receivers and handlers to be identified. In any case, focusing on the receivers of stolen stock passes responsibility from the real perpetrators of the crime (in the event that those in possession are not the ones who actually stole stock). Without any real deterrent consequences for their actions, it can be feasibly argued that cattle rustlers will continue with their activities. It is a possibility that the buyers of stock might stop buying stock once they face legal sanctions. This only deals with one of the motivations behind cattle rustling. Other individuals and communities do not have a commercial interest in the violent activities they propagate; some are motivated by political interests,⁸¹ while others are more interested in expanding their physical territories.⁸² It is only a partial solution to this problem.

⁷⁶ Section 322, *Penal Code* (Cap 63); *Morjaria v Republic* (1972) eKLR; Musyoka W, *Criminal Law LawAfrica*, Nairobi, 2016, 429 - 430.

⁷⁷ *Morjaria v Republic* (1972) eKLR; Musyoka W, *Criminal Law LawAfrica*, Nairobi, 2016, 429.

⁷⁸ *Francis Barrallon v Rex* (1921); *Kigoye and another v Uganda* (1970) EA 402; *Muraguri s/o Muigai and another v Regina* (1953) 26 KLR 83; *Michael Mhuto v Republic* (1975) LRT 72; *Mathai v Republic* [1983] KLR 422; *Sefu Ally v Republic* (1976) LRT 215; *Hassan v Republic* (2005) 2 KLR 151.

⁷⁹ Musyoka W, *Criminal Law LawAfrica*, Nairobi, 2016, 383.

⁸⁰ *Wamavuno v Uganda* (2001) 2 EA 608; *Okeno v Republic* (1972) EA 32; *Kariuki and another v Republic* [2005] 2 EA 97; *William Warui v Republic* (1982); *Yasamu v Uganda* (2002) 2 EA 568.

⁸¹ Daniel Branch and Nic Cheeseman, ‘Introduction: Our turn to eat’ in Daniel Branch, Nic Cheeseman, and Leigh Gardner (eds), *Our Turn to Eat: Politics in Kenya since 1950*, LIT Verlag, Berlin, 2010, 23–52; Greiner C, ‘Guns, land, and votes: Cattle rustling and the politics of boundary (re)making in Northern Kenya’ 112 *African Affairs* 447, 218 - 221 - 223.

⁸² Bollig M, ‘Intra- and interethnic conflict in Northwest Kenya: a multicausal analysis of conflict behaviour’, 88 *Anthropos* 3, 1993, 178.

2.2.2 Criminal Procedure Code

The Criminal Procedure Code (CPC) is one of the main sources of criminal law in Kenya.⁸³ It deals specifically with the procedural aspects of the criminal law such as provision for the proper forum to approach a specific alleged offence and the appropriate remedies that the court can issue in the event that an accused is found guilty of a certain crime.⁸⁴ These two procedural aspects will be analysed more closely in the section below to show that once again, the current legal framework is unable to address the issue of cattle rustling.

2.2.2.1 The proper forum to hear the case

The organisation of courts to hear different types of cases has become necessary to ensure that court personnel at each level can specialise and stay ready to understand the specific needs of the parties appearing before it.⁸⁵ The analysis of the ‘proper forum’ when judging criminal cases has been to the detriment of resolving cattle rustling disputes in the NRR in three ways: (1) The territorial limitation under the CPC, (2) The efficient operation of the courts, and (3) Practical Considerations.

a. Territorial Limitation under the CPC

Criminal proceedings are generally limited to a geographical jurisdiction. Section 72 of the CPC states that,

*“When a person is accused of the commission of an offence by reason of anything which has been done or of any consequence which has ensued, the offence may be tried by a court within the local limits of whose jurisdiction the thing has been done or the consequence has ensued”.*⁸⁶

Naturally, some questions arise. What happens when a crime transcends localities, specifically intertribal warfare? Which specific crime are we looking at; where the stealing of animals occurred, where the animals were found or where most people were killed? Does the safety of community members come into play when they approach a court in a rival locality?

The first two questions can be answered from an interpretation of the law. The proper forum is the locality where the crime has been committed or the effects of the crime have been felt. Between these 2 options, wherever the case is first instituted is where the case will continue irrespective of other considerations. The last question was answered in the Gervasio Mwenda v Republic case.⁸⁷

⁸³ Musyoka W, *Criminal Law LawAfrica*, Nairobi, 2016, 21.

⁸⁴ Preamble, *Criminal Procedure Code* (Cap 75).

⁸⁵ *Peter Kariuki Muibau & 11 others vs The Attorney General & another* (2018) eKLR.

⁸⁶ Section 72, *Criminal Procedure Code* (Cap 75).

⁸⁷ *Gervasio Kithure Mwenda v Republic* [2017] eKLR.

The accused had requested that his criminal case be transferred from Garbatula, in Isiolo County, to Maua, in Meru county. The accused was from the Ameru community and he based his request for transfer on the fact that he feared that the residents of Garbatula (primarily the Borana Community) would kill him because they were known to shoot suspected cattle rustlers dead even in front of the police. There was some tribal animosity between the Borana and Ameru Communities. The accused therefore feared for his life because he had to continuously attend court physically in Garbatula. The court reached a decision that previous fighting between the Ameru and Borana tribes could not be a basis for the general assertion that community members from either of the tribes cannot be tried in localities where either of the tribes is a majority. Allowing an accused person to choose their preferred venue for hearing a case would amount to forum shopping which is detrimental to the administration of justice. In short, the procedure of the law would carry the day in the event that there is a threat to the life of a community member trying to decide the best physical forum for their case to be heard. This is especially problematic because of the role of the state to provide security from fear and free citizens from the burden of having to make decisions that are purely for their survival and not their self-realisation. This duty extends to the right to seek justice from the most appropriate forum.

b. Efficient operation of the courts

Backlog and long duration of cases in courts has been a constant problem all over Kenya.⁸⁸ Peculiarly, in a research project conducted by the World Bank to gain insight into conflict and legal dynamics among the different ethnic groups in the NRR, it was highlighted that even though magistrates in the NRR region did not report a backlog of cases, cases took significantly long to be resolved and community members had to travel to and from the courts persistently.⁸⁹ For this volatile region however, efficiency considerations are more sensitive. A waiting time of a few weeks might encourage the preparation of revenge actions because the situation remains unresolved in the eyes of the parties.⁹⁰ Even though ceasefires can be arranged, it is unlikely that parties would abide by such an agreement to wait for a court decision. It can be deduced that courts have to be very careful before issuing judgements in favour of one individual who represents an entire community over another individual. Kenya has previously witnessed the

⁸⁸ The Departmental Committee on Justice and Legal Affairs. "Report on the Consideration of the 2017/2018 Report on the Judiciary on the State of Judiciary and the Administration of Justice." National Assembly, May 2019; Makau J, 'Factors Influencing Management of Case Backlog in Judiciary in Kenya: A Case of Courts within Meru and Tharaka Nithi Counties' Published, University of Nairobi, Nairobi, 2014, 32-81; —<[Here is the Judiciary's Solution to Case Backlog](#)>— on 16 October 2024; Kemboi L, 'The Case Backlog Problem in Kenya's Judiciary and the Solutions' 2021, 3-9.

⁸⁹ World Bank, Reconciling Society and the Judiciary in Northern Kenya, December 2008, 14.

⁹⁰ World Bank, Reconciling Society and the Judiciary in Northern Kenya, December 2008, 14.

deadly effects of a government that seemingly sides with a certain community over another and the courts must be careful not to cross that line again.⁹¹ This however remains mostly impossible and incoherent with the duty of the court; to pass judgement and declare that one party is right and the other is not. This is another reason why the formal justice system is an inadequate forum for the resolution of ethnically motivated security concerns.

c. Practical considerations

The judicial institutions and personnel operating in the NRR have several shortcomings. The courts are few and they sit at very far distances from one another. Complainants are forced to trek long distances and abandon their fundamental daily duties (for example, in these areas, families rely on the women's daily expedition to water sources miles away for survival).⁹² This naturally brings up the question of complainants' financial capacity to get to the courts, find lodging and even for the filing fees. In addition to this, there are no High Courts located directly in arid lands which were clothed with original jurisdiction over capital offences such as murder until the landmark Charles Henry judgement in late 2020.⁹³ In the case of cattle rustling, several community members would need to have access to the judicial machinery making these practical considerations even more difficult to navigate through.

2.2.2.2 The remedies available

The remedies provided by the CPC once again fall short of an adequate remedy required for cattle rustling claims. The first schedule of the CPC outlines a long list of appropriate 'remedies' for different offences.⁹⁴ The offence of stock theft and handling of stolen goods have the same remedies. Arresting the accused person without a warrant and imprisonment for not less than seven years and not more than fourteen years. The statutorily provided remedy for Murder is the

⁹¹ Human Rights Watch 'Ballots to Bullets: Kenya's Political Violence and Kenya's Crisis of Governance' March 2008. Available at –<[Ballots to Bullets: Organized Political Violence and Kenya's Crisis of Governance | HRW](#)>– on 10 October 2024.

⁹² World Bank, Reconciling Society and the Judiciary in Northern Kenya, December 2008, 11.

⁹³ *Charles Henry Nyaoke v Cabinet Secretary, Ministry of Interior and Coordination of National Government & 4 others* [2020] eLR. The court was very insistent on the fact that the jurisdiction of courts emanates from either the constitution or statute yet the Criminal Procedure Code is yet to be amended to reflect the position that Magistrate Courts can also adjudicate over murder cases. Jurisdiction over the adjudication of murder cases, which is a key component of cattle rustling, remains up in the air.

⁹⁴ 1st Schedule, *Criminal Procedure Code* (Cap 75).

death penalty.⁹⁵ Jurisprudence however shows that the remedy can range anywhere from a non-custodial sentence to a sentence of death depending on the circumstances of the case.⁹⁶

Though cattle rustling has significant criminal aspects, it also has outstanding economic impacts. Cattle make up the backbone of the way of living of the communities in the NRR; they are used for trade, for sustenance, for clothing, for religious purposes, and other related reasons.⁹⁷ A panacea for cattle rustling cannot exclude these economic considerations and the importance of restoring the economic capacity of an entire community. The Anthony Mativo Kioko v Republic case came close to laying a standard of assessing the economic considerations that arise with the stealing of stock.⁹⁸ The accused person was charged with stock theft at the Magistrate court and the court went on to assess the market value of a cow to presumably determine how much the accused person owed the victim (it is not clear whether the trial magistrate charged the accused with the responsibility to repay the victim the value of the cows that he had supposedly stolen). On appeal to the High Court, the court identified that the valuation system used by the court was problematic because of the lack of consistency in the process of valuation. The market value arrived at by the court without much evidence was Kenya Shillings 85,000. The arresting officer indicated in the Charge sheet, without much evidence once again, that the value of a cow was Kenya Shillings 50,000. Another unusual value of Kenya Shillings 60,000 arose as another possible option for the market value. At the end of the day, the High Court quashed the judgement and set aside both the good and the problematic aspects of the trial court judgement. The ambiguity was definitely problematic but the attempt at going beyond mere criminal remedies was admirable. Without any form of economic compensation, an entire community's way of life is threatened.

⁹⁵ Section 204, *Penal Code* (Cap 63); 1st Schedule (Division IV), *Criminal Procedure Code* (Cap 75); *Francis Karioko Muruatetu & another v Republic* (2017) eKLR. This case restructured the sentencing guidelines and abolished the mandatory nature of the death penalty giving room for a court's discretion. The Supreme Court issued guidelines clarifying that the application of the Francis Muruatetu decision was to Murder cases only. The Penal Code and the Criminal Procedure Code are yet to be amended by parliament.

⁹⁶ *State v Truphena Ndonga Aswani* (2021) eKLR, the High Court gave a custodial sentence for a woman who murdered her husband because of her experiences at home with Gender Based violence.

⁹⁷ Odhiambo M 'The Asal Policy of Kenya: Releasing the Full Potential of Arid and Semi-Arid Lands - An Analytical Review' 17 *Nomadic Peoples* 1, 2013, 5-7. Tangka F, Jabbar M and Shapiro B, 'Gender roles and child nutrition in livestock production systems in developing countries: A critical review' International Livestock Research Institute, Socio-economics and Policy Research Working Paper No. 27, 2000, 8-13 - [Gender roles and child nutrition in livestock production systems in developing countries: A critical review](#) on 16 October 2024.

⁹⁸ *Anthony Mativo Kioko v Republic* [2018] eKLR.

2.3 Conclusion

The Kenyan legislative framework cannot deal with the very real and pressing issue of cattle rustling. In the first place, the Kenyan criminal framework which would be best placed to address the key components of this practice does not even criminalise cattle rustling. Following from the principle of legality, the law is incapable of addressing the problem. Even if this principle was to be temporarily set aside, jurisprudence on the constituent offences show that they are not wide enough to hold a claim of cattle rustling and can even be used to pass blame to other actors that might not be aware of the factors surrounding the purchasing of cattle. Moreover, the remedies provided in law are ineffectual. Territorial considerations constantly endanger the lives of community members, the effect of court inefficiency is amplified in cases of tribal clashes and the process of seeking justice is tainted by impractical considerations. The law has been faithful in taking a reactive approach to cattle rustling, one that has proven to be futile. In the next chapter, a more productive preventive approach to the challenges that have plagued the NRR for so long.

Chapter Three

3.1 Introduction

When local sources of redress have proven to be inadequate, individuals can turn to international law to seek alternative forms of relief. This is otherwise known as the exhaustion of local remedies rule and it is spelled out in Article 44(b) of the Articles on Responsibility of States for Internationally Wrongful Acts.⁹⁹

The previous chapter of this study highlighted the gaping holes in the laws addressing pastoral violence. The laws presently in force that ‘could’ apply to pastoral violence cannot apply because of the principle of legality; and even if they were to apply, they would be inadequate. This chapter delves into the international standards present in the context of pastoralism and pastoral violence. These standards should be the building blocks of any suggested form of intervention which will be dealt with in the next chapter.

3.2 Consensual International Standards

As early as 1955, scholars on the international platform wrote about the practice of pastoralism in Africa.¹⁰⁰ The management of the pastoral sector has always been difficult because of pastoral societies’ constant mobility, already present internal laws, and the negative perception of livestock production as a poor gamble in development plans.¹⁰¹ The literature reviewed shows five standards that must be adhered to when proposing any policy, law, system, or regulation touching on the pastoral sector. The CEWARN system, which shall be explained in more detail in the next chapter, should and already does, meet these standards. Any intervention in the pastoral sector must: (1) Adequately *consult* the affected parties, (2) Adequately *protect* the pastoral sector, (3) Be *sensitive* to environmental issues, (4) Involve Government *Coordination*, and (5) Appreciate the *place* of Regional Cooperation.

⁹⁹ Article 44(b), Articles on Responsibility of States for Internationally Wrongful Acts, 3rd August 2001, UN Doc. A/RES/56/83 (2001).

¹⁰⁰ Gulliver P, *The Family Herds*, 1st Edition, Routledge, London, 1955.

¹⁰¹ Blench R, “You can’t go home again’ Pastoralism in the new millennium’ CISPAL, Overseas Development Institute, London, 2001, 70.

3.2.1 Consultation and Participation

Many monitoring systems used in the pastoral sector are generated externally without much contribution from pastoral communities that the monitoring systems directly impact. Naturally, the indicators generated in these circumstances often misrepresent fundamental aspects of pastoral communities and the interactions with their environment.¹⁰² This can foreseeably affect the functioning of these monitoring systems. The listening field worker has now replaced top-down bureaucrats and bottom-up approaches are now preferred for regulating pastoralism. Community members have the capacity, and often are in a better position, to debate on their own issues and come up with solutions that would directly address those problems.¹⁰³ Because finding suitable and related indicators should be a priority in setting up any CEWARN system, it is paramount to work together *with* pastoral communities.¹⁰⁴ There have been universal calls for high levels of engagement with pastoral communities by taking advantage of “participatory methods”; that even the communities can take ownership of systems they help to generate.¹⁰⁵ Some of these methods include continuous engagement,¹⁰⁶ participatory action research,¹⁰⁷ among many others. This extent of collaboration shifts the public view of pastoral communities from victims to stakeholders and knowledge holders.¹⁰⁸

¹⁰² Reid R, Nkedianye D and Said M, ‘Evolution of models to support community and policy action with science: balancing pastoral livelihoods and wildlife conservation in savannas of East Africa’ 113 *Proceedings of the National Academy of Sciences* 17, 2016; 4579-4584; Sterling J, Filardi C and Toomey A, ‘Biocultural approaches to well-being and sustainability indicators across scales’ 1 *Nature Ecology and Evolution* 12, 2017, 1798-1806.

¹⁰³ Blench R, “You can’t go home again’ Pastoralism in the new millennium’ CISPAL, Overseas Development Institute, London, 2001, 68.

¹⁰⁴ Norström V, Cvitanovic C and Löf F, ‘Principles for knowledge co-production in sustainability research’ 3 *Nature Sustainability* 3, 202, 182-190; Armitage D, Berkes F and Dale A, ‘Co-management and the co-production of knowledge: learning to adapt in Canada’s Arctic’ 21 *Global Environmental Change* 1, 2011, 995-1004; Wyborn C, Datta A and Montana J, ‘Co-producing sustainability: reordering the governance of science, policy, and practise’, 44 *Annual Review of Environment and Resources* 1, 2019, 319-346.

¹⁰⁵ Reid R, Nkedianye D and Said M, ‘Evolution of models to support community and policy action with science: balancing pastoral livelihoods and wildlife conservation in savannas of East Africa’ 113 *Proceedings of the National Academy of Sciences* 17, 2016; 4579-4584.; Molnár, Z. “I see the grass through the mouths of my animals”—folk indicators of pasture plants used by traditional steppe herders’, 37 *Society of Ethnology* 3, 2017, 522-541; Pablo M, Daniel B, Luis Cadahía J and Eronen T, Ivoro F, Slimane B, Øystein H, Oula S, Bayarmaa B, Mikael F, Mari’a E, Kathleen G, Mar C and Nils C, ‘Toward a holistic understanding of pastoralism’ 4 *One Earth* 5, 2021, 651 - 665.

¹⁰⁶ Reid R, Nkedianye D and Said M, ‘Evolution of models to support community and policy action with science: balancing pastoral livelihoods and wildlife conservation in savannas of East Africa’ 113 *Proceedings of the National Academy of Sciences* 17, 2016; 4579-4584.

¹⁰⁷ Kerkhoff L and Lebel L, ‘Linking knowledge and action for sustainable development’ 11 *Annual Review of Environment and Resources* 1, 2006, 1-33.

¹⁰⁸ Molnár Z, Kelemen A, Kun R, Máté J, Sáfián L, Provenza F, Díaz S, Barani H, Biró M, Máté A and Vadász C, ‘Knowledge co-production with traditional herders on cattle grazing behaviour for better management of species-rich grasslands’ 57 *Journal of Applied Ecology* 9, 2020, 1677-1687; Johnson T, Howitt R and Cajete G, ‘Weaving indigenous and sustainability sciences to diversify our methods’ 11 *Sustainability Science* 1, 2015, 1-11.

3.2.2 Protection of the Pastoral Sector

The general concurrence is that the pastoral sector has several goods that must be safeguarded. There are several justifications as to why the pastoral sector must be preserved: the first is a Human Rights Approach. Scholars have justified pastoralism based on the human rights approach.¹⁰⁹ This in turn is founded on several international instruments. The UN Declaration on the Rights of Minorities sets an obligation for states to protect all human rights without discrimination.¹¹⁰ According to the International Covenant on Civil and Political Rights (ICCPR), individuals from minority communities have the right to enjoy their culture together with other members of their community.¹¹¹ The African Charter on Human and Peoples Rights has a similar provision under Article 2.¹¹² The states in Eastern Africa have ratified these agreements.

Secondly, pastoralism is beneficial for the ecosystem. The symbiotic relationship between pastoralists and the environment has been internationally recognised as well. The UN Development Program (UNDP) launched a 'Global Drylands Imperative' that showed how movement of pastoralists can actually lead to sustainable development of dry environments.¹¹³ On a local level, Kenya's Economic Recovery Strategy for Wealth and Employment Creation devotes a chapter to ASALs, and appreciates the positive contribution that herders make in relation to environmental conservation.¹¹⁴

Finally, pastoralism has significant economic benefits. Regional and national economies greatly benefit and even to some extent rely on the production of meat, hides and dairy products from mobile herders. With proper market access, pastoralism can be instrumental in adequately dealing with food security and create a wide market for exportation.¹¹⁵ As earlier outlined, pastoralism plays a key role in Kenya's GDP and neighbouring countries.

¹⁰⁹ Minority Rights Group International, *Pastoralism on the Margin* By John Markakis, 2004, 30.

¹¹⁰ Article 2-4, United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious, and Linguistic Minorities, 18 December 1992, **47/135**.

¹¹¹ Article 27, International Covenant on Civil and Political Rights, 16 December 1966, 999.

¹¹² Article 2, African Charter on Human and Peoples Rights, 21 October 1986 26363.

¹¹³ United Nations Development Program, *The Global Drylands Imperative: Devolving Resource Rights and the MDGs in Africa*, 2004, 17-24.

¹¹⁴ International Monetary Fund, *Kenya's Economic Recovery Strategy for Wealth and Employment Creation*, 2004, 51-60.

¹¹⁵ Minority Rights Group International, *Pastoralism on the Margin* By John Markakis, 2004, 9-10.

3.2.3 Environmental Sensitivity

Climate change is a conflict driver. As the negative impacts of climate change spread and populations in pastoral areas continue to grow, land conducive for pastoralism continues to become less and less. In the Sahara Desert, for example, climate change has been noted to disrupt typical rhythms of transhumance. The expansion of the desert has forced herders to migrate earlier than they typically would, which causes conflicts with farmers trying to cultivate fertile land towards the south of the desert.¹¹⁶ The UN Security Council recognised that climate change was driving pastoral conflict for the first time in Resolution 2349 adopted in 2017.¹¹⁷ Preservation of the environment will prevent security threats and pastoral conflict from arising; this relationship requires that any measures addressing pastoral security also take into consideration environmental concerns.

3.2.4 Government Coordination and Regional Cooperation

The principle of subsidiarity is fundamental in governance structures and this applies to the pastoral sector as well.¹¹⁸ The nature of pastoralism necessitates that any intervention requires local, national, and regional steps to be taken. Some local mitigation mechanisms could strengthen local conflict resolution mechanisms, and develop transhumance-related infrastructure like water points.¹¹⁹ These approaches can best be implemented at the lowest level because local governments typically interact more with community members and therefore understand the dynamics between them. The national government can create a predictable and balanced legal framework which will ensure the safety of the members of pastoral societies.¹²⁰ Some countries have attempted to introduce a balanced legal framework which has had positive effects on the growth of the pastoral sector.¹²¹

¹¹⁶ United Nations Development Program, *Preventing transhumance-related intercommunity conflict in Chad: Towards a climate-sensitive conflict analysis*, 2020, 3; Krätli S, *Systèmes pastoraux dans le Dar Sila, Tchad*. Feinstein International Centre, 2018, 18-19; 'Stopping Nigeria's Spiralling Farmer-Herder Violence' International Crisis Group, 26 July 2018 –<[Stopping Nigeria's Spiralling Farmer-Herder Violence | Crisis Group](#)>– on 19 November 2024.

¹¹⁷ UNSC S/RES/2349 (2017) Peace and Security in Africa – Lake Chad Basin, 7; Born C, Eklöv K and Mobjörk M, *Advancing United Nations Responses to Climate-Related Security Risks*, 2019, 1.

¹¹⁸ Head B, 'Taking Subsidiarity Seriously: What Role for the States?' Brown J, & Bellamy A, (eds), *Federalism and Regionalism in Australia: New Approaches, New Institutions?*, Australian National University Press, 2007, 156 - 157.

¹¹⁹ United Nations Development Program, *Preventing transhumance-related intercommunity conflict in Chad: Towards a climate-sensitive conflict analysis*, 2020, 3.

¹²⁰ United Nations Development Program, *Preventing transhumance-related intercommunity conflict in Chad: Towards a climate-sensitive conflict analysis*, 2020, 3.

¹²¹ Food and Agriculture Organisation of the United Nations, *Improving Governance of Pastoral Lands*, 2016, 51.

Grasslands extend beyond nationally established frontiers and so naturally, the creation of these boundaries are relevant to occurrences of pastoral violence.¹²² Pastoralists have also earned to navigate the porous spaces across borderlands to obtain economic and political benefits like illicit trade and cross-boundary theft.¹²³ Regional steps have therefore proven to be very important for regulating pastoral practices. One example of a fundamental regional organisation in regulating pastoral conflict is the Intergovernmental Authority on Development (IGAD) whose mission is to facilitate the maintenance of peace and security in the region by coordinating state cooperation. Even international organisations have a place in regulating the pastoral conflict. Minority Rights Group International (MRG) is an example of an NGO that operates in almost 50 countries to protect the rights of ethnic minorities and indigenous people.¹²⁴ Every participant has a significant role to play in bringing order to the pastoral sector.

3.3 Conclusion

Pastoralism has been a matter of international concern for several millennia. Its economic influence and impact on more ‘modern’ concerns such as the preservation of culture and environmental sustainability has maintained interest in the area and spurred several forms of investment. The extensive literature in the area has especially highlighted the standards that should make the foundation of any form of intervention in the pastoral sector. These standards are reflected in the operation of the CEWARN system.

¹²² Blench R, “You can’t go home again’ Pastoralism in the new millennium’ CISPAL, Overseas Development Institute, London, 2001, 56; Witsenburg K, and Zaal F, ‘Spaces of Insecurity: Human Agency in Violent Conflicts in Kenya’, African Studies Centre, Leiden, 2012; Butler, Christopher K & Scott G, ‘African Range Wars: Climate, Conflict, and Property Rights’, 49 *Journal of Peace Research* 1, 2012, 23–34.

¹²³ Galaty J, ‘Boundary-Making and Pastoral Conflict along the Kenyan–Ethiopian Borderlands’ 59 *African Studies Review* 1, 2016, 97–122.

¹²⁴ —<[Minority Rights Group](#)>— on 26 November 2024.

Chapter Four

4.1 Introduction

The protection of pastoral communities and the pastoral sector in Kenya can be achieved by integrating the Network-for-Networks (NfN) approach into the already existing Conflict and Early Warning System (CEWARN). The application of this approach in Côte d'Ivoire and the larger West African Region provides for the possibility of its extension into other African countries like Kenya. The proposed strategy will bring into life the different standards and best practices highlighted as fundamental for any form of intervention in the pastoral sector.

The chapter will begin by outlining an overview of the CEWARN system including its history in the African Union security culture and its devolved status in the different Regional Economic Communities (RECs) in Africa. This section will specifically focus on IGAD as a REC since Kenya is a member state of the body. The chapter will also explain the various ways Kenya has been able to apply the CEWARN system and the challenges that typically arise in the application of the system. The NfN approach addresses many of these challenges as witnessed by its application in Côte d'Ivoire. The NfN system can have great utility if imported into Kenya.

4.2 The CEWARN System

The CEWARN system anticipates and prevents conflicts. There are six main components of any early warning system including CEWARN.¹²⁵ The first is the data generation for the Early warning to be generated. An early warning system has to have a *system of monitoring* different indicators, a way to analyse the values of the indicators and the arising trends, and the channel through which these findings are communicated.¹²⁶ The second component is the triggers for action.¹²⁷ Trigger points are *key changes* in the indicators that make up the early warning system. The third fundamental component is flexible funding. Funding is required to implement any action that stakeholders decide to undertake.

Fourthly, *contingency plans* must be agreed to which includes how to increase human resource capacities, how to protect citizens or how to help them to deal with impending danger. Moreover, a platform for dialogue and decision making should be established. Here, all suitable

¹²⁵ –<[Early Warning Early Action | IGAD Resilience](#)>– on 17 December 2024.

¹²⁶ –<[Developing Early Warning Systems: A Checklist](#)>– on 16 December 2024.

¹²⁷ –<[Early Warning Early Action | IGAD Resilience](#)>– on 17 December 2024.

decision-makers can agree on the proper indicators that would set off early warning and response, the different limits that would trigger action, planning for unforeseen circumstances, funding and appropriate actions at different phases and in different contexts. Finally, an enabling environment facilitates the operation of the system. A legal or institutional base for the early warning system creates an environment for the system to thrive. This also promotes a sense of national ownership of the platform, transparency in the operation of the systems and a common commitment to the goals of the response.

The next section explains this system in the larger AU community, the smaller IGAD region and finally its place in Kenya.

4.2.1 IGAD CEWARN System

The Constitutive Act of the African Union (CAAU) emphasizes the need to promote peace and security as part of the development of the AU agenda.¹²⁸ The formation of the Peace and Security Council (PSC) in 2004 was a foundation for the peace and security framework in Africa.¹²⁹ In 1976, the OAU divided Africa into 5 RECs which were originally created to promote regional economic development. After the leaders of the different regions faced the reality of endemic insecurity and instability in their regions which impeded their efforts towards integration and development, the RECs developed security mechanisms to operate within the integration agenda.¹³⁰ The AU actively seeks to partner with sub-regional mechanisms to uphold the role of the PSC by exchanging information and conducting analyses.¹³¹

The CEWS was to be connected to sub-regional conflict mechanisms in Africa. The AU views sub-regional organizations as implementing organs of the AU.¹³² Of relevance is the IGAD Mechanism. IGAD was established in 1996 to represent the interests of states in the Eastern

¹²⁸ Article 3f, *Constitutive Act of the African Union*, 26 May 2001.

¹²⁹ Vines A, 'A decade of African Peace and Security Architecture' 89 *International Affairs (Royal Institute of International Affairs 1944)* 1, 2013, 90.

¹³⁰ Article 7(j) and 16, *Protocol Relating to the Establishment of the Peace and Security Council of the African Union*, 9 July 2002. The Common African Defense and Security Policy and the PSC Protocol all emphasize the importance of the RECs in the AU peace and security architecture.

¹³¹ Article 16(1)(a) and 16(4), *Protocol Relating to the Establishment of the Peace and Security Council of the African Union*, 9 July 2002.

¹³² Møller B, 'The pros and cons of subsidiarity: The role of African regional and subregional organisations in ensuring peace and security in Africa' Copenhagen: Danish Institute for International Studies, DIIS Working Paper No 4, 2005, 29.

Africa (EA) region. One of the key objectives of the institution is to promote peace and stability in the sub-region.¹³³

4.2.2 Applying of EWER System in Kenya

In the ASALs of Kenya, several initiatives by various different agencies have proven that this approach not only saves lives but also builds the resilience of the beneficiary communities to drought and is therefore a beneficial practice. The early warning system has typically been employed to mitigate human suffering and loss of livelihoods caused by extreme climate conditions in the Northern part of Kenya and neighbouring regions.¹³⁴ This may be attributed to the fact that IGAD replaced the Intergovernmental Authority on Drought and Development (IGADD) which was initially created to address natural disasters in the region most notably, drought.¹³⁵ The EWER system has been applied in Kenya but its implementation faces several problems witnessed over time in early warning systems. These challenges will be addressed below.

4.2.3 Challenges of implementing the EWER System

Typical EWER systems experience three common areas of weakness:¹³⁶ (1) they operate based on incomplete data. Data from a single EWER system is bound to be unevenly distributed across different times, separate areas and distinct indicators; (2) they develop hindrances to the movement of information from one level to the next (a bottleneck). Stakeholders may struggle to find entry points into EWER systems or the actors that should be targeted for capacity building

¹³³ Article 7, *Agreement Establishing the Intergovernmental Authority on Development*, 21 March 1996.

¹³⁴ —<[Review of Early Warning, Risk Profiling, Contingency Planning Policy and Best Practices of Ethiopia, Kenya and Uganda](#)>— on 18 December 2024. Kenya has notably applied the early warning system through three main projects: the *FAO Early Warning Early Action system* which was fundamental in mitigating against the drought that occurred in Kenya in 2017, the *Drought Contingency Fund project* which was able to save the lives and livelihoods of over 160,000 households and the *Integrated Management of Acute Malnutrition (IMAM) Surge approach* which ensured increase resilience in the health system in times of natural disasters.

¹³⁵ [IGAD Disaster Risk Management Programme - ICPAC](#) and [East Africa Hazards Watch](#) and [East Africa Drought Watch](#) and [ICPAC - Warning Explorer](#). Also IGAD Climate Prediction and Applications Centre, *IGAD Regional Strategy For Disaster Risk Management (2019-2030)*, January 10 2023, 1-587; IGAD Climate Prediction and Applications Centre, *IGAD Institutional and Operational Framework for Multi-hazard Early Warning and Early Action*, 10 January 2023, 12; IGAD Climate Prediction and Applications Centre, *The African Union Commission (AUC) Multi-Hazard Early Warning Systems Framework (2022)*, February 2022, 7-8; IGAD Climate Prediction and Applications Centre, *Regional Framework for Mainstreaming Disaster Risk Management and Climate Change in School Curriculum*, 10 January 2023, 1-154; IGAD Climate Prediction and Applications Centre, *IGAD Regional Framework for Integrating Disaster Risk Management and Climate Change Adaptation*, 10 January 2023, 1-328.

¹³⁶ Haken N, Nasri P and Reece N, 'Linking Early Warning and Early Response Networks in West Africa' United States Institute of Peace, *Peaceworks* Number 195, 2024, 11-12 —<[Linking Early Warning and Early Response Networks in West Africa](#)>— on 12 December 2024.

and sharing of information; and (3) difficulty in generating sufficient resources and political will to respond successfully.

4.3 Justifications of basing the study on Côte d'Ivoire

4.3.1 West African Region Position

First and foremost, the Common African Position highlights that every African state shares the noble goal of making their state as secure as possible; the tools employed by different countries can be applied in different countries to achieve the same goals. Majority of pastoralists in Africa live in the desert regions of Western Africa.¹³⁷ Pastoral conflicts occur in several countries in West Africa.¹³⁸ The conflicts occur between pastoralists and farmers, pastoralist groups themselves and even external actors like illegal miners.¹³⁹ The actors and perpetrators of the violence across the West Africa Region and the EA Region are the same. Pastoral violence has also been associated with exacerbated ethnic tension and even political aspirations.¹⁴⁰ The different triggers and sources of violence across the regions testifies to the complicated nature of the violence and the need for dynamic solutions.

In addition to this, the scale of harm resulting from pastoral violence in both regions is equally alarming. Over 1,000 individuals in Nigeria lost their lives to pastoral violence and over 2 million cattle were stolen over the period of just one year. Despite this reality, pastoralists still contribute greatly to the economy of the West Africa region.¹⁴¹ Pastoralism holds great importance for the

¹³⁷ Pflaum M, 'Pastoralist Violence in North and West Africa', Sahel Research Group university of Florida, West African Papers, No. 31, 2021, 11 —<[Pastoralist Violence in North and West Africa](#)>— on 21 December 2024; Cline E, 'War on the hoof: regional security in Africa and livestock conflicts' 31 *Small Wars and Insurgencies* 1, 2020, 87–105; United Nations Economic Commission for Africa, *New Fringe Pastoralism: Conflict and insecurity and development in the Horn of Africa and the Sahel*, Economic Commission for Africa, 2017, 1.

¹³⁸ Netherlands Institute of International Relations 'Clingendael', *Between hope and despair: Pastoralist adaptation in Burkina Faso*, February 2021, 11-12 —<[Between hope and despair - Pastoralist adaptation in Burkina Faso](#)>— on 8 December 2024; Pflaum M, 'Pastoralist Violence in North and West Africa', Sahel Research Group university of Florida, West African Papers, No. 31, 2021, 11-14 —<[Pastoralist Violence in North and West Africa](#)>— on 21 December 2024; United Nations Development Program, *Preventing transhumance-related intercommunity conflict in Chad: Towards a climate-sensitive conflict analysis*, 2020, 2; —<[Statement by the President of the Security Council](#)>— .19 November 2024; Tuki D, 'Pastoral conflicts and (dis)trust: Evidence from Nigeria using an instrumental variable approach', Berlin Social Science Centre, Discussion Paper SP VI 2023–101, 2023, 5-7, —<[Pastoral conflicts and \(dis\)trust: Evidence from Nigeria using an instrumental variable approach](#)>— on 21 December 2024.

¹³⁹ United Nations Office for West Africa and the Sahel, *Pastoralism and Security in West Africa and the Sahel: Towards Peaceful Coexistence*, August 2018, 21.

¹⁴⁰ United Nations Office for West Africa and the Sahel, *Pastoralism and Security in West Africa and the Sahel: Towards Peaceful Coexistence*, August 2018, 14.

¹⁴¹ Zondi S, "'New Fringe Pastoralism: Conflict, Security, and Development in the Horn of Africa and the Sahel' 7 *Ubuntu: Journal of Conflict and Social Transformation*, 2018, 2; Livestock production alone involves at least 20 million people. Pflaum M, 'Pastoralist Violence in North and West Africa', Sahel Research Group university of Florida,

community members in the region. These striking similarities between the West Africa and EA region and the common goal of promoting peace and security among pastoral communities is the basis of the proposition that the NfN approach applied in West Africa can be applied in Kenya and the larger EA Region as well.

4.3.2 The NfN Approach

EWER systems typically differ from one context to another and also depending on the data to be used in the system. ECOWARN, the Early Warning and Response Network for the Economic Community of West African States (ECOWAS), directly caters for more than 5 million km² and 15 member states.¹⁴² The indicators used in ECOWARN are significantly different from indicators designed to monitor conflict in specific countries or among specific communities. The latter should be more targeted, focused and typically more reliant on local officials and civil based organisations.¹⁴³ The former will be more general giving an overview of conflict and the different relevant indicators. All these levels of conflict monitoring have their complementary strengths and weaknesses. This is where the NfN approach comes in.

The NfN approach is based on collaboration between the national governments, other international organisations, civil society organisations, organisations at the community level and every other relevant actor. These actors cooperate in the collection of various ranges of data, analysis of the data, and coordination and deployment of early response mechanisms. This is a decentralised form of EWER which ensures that the sample available for collection of data is as large and accurate as possible.¹⁴⁴ There are typically four important tiers of the early warning early response (EWER) ecosystem; Community Network Level, National Network Level, Civil Society Network Level and Multilateral Institutions Network Level.

West African Papers, No. 31, 2021, 11 –<[Pastoralist Violence in North and West Africa](#)>– on 21 December 2024; Livestock exports are believed to be the most important agricultural product in the region with an estimated 800 million US dollars. Holecheck J, Ciblis A, Bengaly K and Kinyamario J, ‘Human population growth, African pastoralism, and rangelands: A perspective’ 70 *Rangeland Ecology and Management*, 2016, 273-280; The population growth rate for pastoral communities often exceeds the continental average of 2.2%.

¹⁴² Haken N, Nasri P and Reece N, ‘Linking Early Warning and Early Response Networks in West Africa’ United States Institute of Peace, Peaceworks Number 195, 2024, 2 –<[Linking Early Warning and Early Response Networks in West Africa](#)>– on 12 December 2024.

¹⁴³ Pham M, Thielen H and Bubeck P, ‘Community-based early warning systems in a changing climate: an empirical evaluation from coastal central Vietnam. 16 *Climate and Development* 8, 2024, 674.

¹⁴⁴ Haken N, Nasri P and Reece N, ‘Linking Early Warning and Early Response Networks in West Africa’ United States Institute of Peace, Peaceworks Number 195, 2024, 20 –<[Linking Early Warning and Early Response Networks in West Africa](#)>– on 12 December 2024.

4.3.3.1 Community Network Level

Numerous countries in the region have several early warning structures linking communities on the ground to other systems. In Côte d'Ivoire, the Observatory for Solidarity and Social Cohesion (OSCS) exists.¹⁴⁵ The OSCS operates throughout Côte d'Ivoire's. For data collection, they employ local volunteers otherwise known as field monitors. They provide critical contextual information relating to incidents, patterns, trends, and community dynamics. OSCS also actively involves administrative authorities, and maintains a transparent and dynamic database.¹⁴⁶

There has been a move towards advocating for community-based early warning systems (CBEWS) to ensure the system releases information with adequate responses from the community.¹⁴⁷ CBEWS are also fundamental in the early warning chain because communication at the community level is personal and rapid, creating a basis for quicker response and more positive results altogether.¹⁴⁸

4.3.3.2 National Network Level

Côte d'Ivoire hosts a National Centre for the Coordination of the Response Mechanisms (NCCRMs) which regularly warns the government of any threats to security and thereafter suggests and coordinates prompt responses to the warning. They focus on a participative approach to involve all relevant stakeholders. True to the aspect of network for networks approach, the purpose of the Centre was to be an symbol of solidarity for the entire ECOWAS, for its essential role in the regulation of conflicts in the West African region. In fact, the centre was inaugurated by the President of ECOWAS at the time.¹⁴⁹

The state has developed strong capacities and data collection systems. The state has made use of the Armed Conflict Location and Event Dataset (ACLED) at the state level.¹⁵⁰ ACLED is designed for “quantitative disaggregated research on local factors influencing conflict onset and

¹⁴⁵ —<[Côte d'Ivoire/ Observatory for solidarity and social cohesion aims to curb violent extremism](#)>— 9 December 2024.

¹⁴⁶ —<[Côte d'Ivoire/ Observatory for solidarity and social cohesion aims to curb violent extremism](#)>— on 11 December 2024.

¹⁴⁷ Macherera M and Chimbari M, 'A review of studies on community based early warning systems' 8 *Journal of Disaster Risk Studies* 1, 2016, 6.

¹⁴⁸ 'Community early warning systems: guiding principles' International Federation of Red Cross and Red Crescent Societies, 2012 —<[Community early warning systems: guiding principles](#)>— on 11 December 2024.

¹⁴⁹ —<[National Coordination Centre for Early Warning Mechanism opens in Cote d'Ivoire | Economic Community of West African States \(ECOWAS\)](#)>— on 15 December 2024.

¹⁵⁰ Haken N, Nasri P and Reece N, 'Linking Early Warning and Early Response Networks in West Africa' United States Institute of Peace, Peaceworks Number 195, 2024, 16 —<[Linking Early Warning and Early Response Networks in West Africa](#)>— on 12 December 2024.

diffusion” of various forms of violence including interactions among rebel factions or militias, and violence perpetrated against civilians.¹⁵¹ Data collected is grouped into the date of collection, the place where it was collected, and the actors involved.

4.3.3.3 Civil Society Network Level

Involvement of civil society organisations has been fundamental to the success of the early warning systems in Côte d'Ivoire. One of the key organisations operating in Côte d'Ivoire, and the larger West African Region, is the West Africa Network for Peacebuilding (WANEP). WANEP collects data, generates reports frequently, holds consultations with community members, and works closely with national organisations to detect and prevent conflict. In Côte d'Ivoire, WANEP uses the National Early Warning System (NEWS) to set up monitoring systems which operate within communities to produce reports and briefs which can be distributed among the relevant stakeholders.¹⁵² WANEP-CI's Women in Peacebuilding Network (WIPNET) runs training workshops as well as mobilisation and capacity building workshops.¹⁵³

4.3.3.4 Multilateral Institutions Network Level

The ECOWARN was established under the 1999 ECOWAS Protocol.¹⁵⁴ Côte d'Ivoire, being part of the ECOWAS, benefits from this EWER system. ECOWARN analyses data by looking into 56 indicators covering several thematic areas including security and terrorism. It relies on 77 field monitors who are tasked with producing regular reports when threats to security arise.¹⁵⁵ Two teams typically operate within ECOWARN; a systems team, which generates data and facilitates visualisations, and the analysis team, which produces varying scenarios and the possible options for channeling response attempts.

4.3.4 Benefits of the Networks-for-Networks Approach

The NfN approach clearly mitigates a situation where a single actor is responsible for the successes and losses of an EWER system. It also directly addresses the challenges faced in the actualisation of the CEWARN system.

¹⁵¹ Raleigh C, Linke A, Hegre H and Karlsen J, 'Introducing ACLED: An Armed Conflict Location and Event Dataset' 49 *Journal of Peace Research* 5, 2010, 651, 654.

¹⁵² –<[WARN – West Africa Network for Peacebuilding \(WANEP\); Cote D'Ivoire](#)>– on 14 December 2024.

¹⁵³ –<[West African Network for Peacebuilding - Cote d'Ivoire \(WANEP-CI\) — Peace Insight](#)>– on 14 December 2024.

¹⁵⁴ Chapter IV, ECOWAS Protocol Relating to the Mechanism for Conflict Prevention, Management, Resolution, Peace-Keeping and Security (1999).

¹⁵⁵ Haken N, Nasri P and Reece N, 'Linking Early Warning and Early Response Networks in West Africa' United States Institute of Peace, Peaceworks Number 195, 2024, 12 –<[Linking Early Warning and Early Response Networks in West Africa](#)>– on 12 December 2024.

4.3.4.1 Sealing data gaps

Linking several systems of data collection with different forms of indicators that are specific to each context and with a wider temporal and physical focus collects data more consistently making it more reliable for future predictions. This also provides an opportunity for cross-validation of data between different levels to ensure that any early warning and triggered response is based on accurate information.¹⁵⁶

4.3.4.2 Opening up bottlenecks

The NfN approach connects several stakeholders lowering the possible risk of blockage of information at any level of the system. If community gatekeepers are familiar with civil society organisations, and actors at the national and regional level, even if one level fails to perform their tasks, stakeholders have recourse in other levels in the system.

4.3.4.3 Addressing the warning-response gap

NfN focuses on empowering all the relevant stakeholders, from the community level to other community based organisations, in order to integrate them into the early response network. These stakeholders can be very useful in building consensus in communities, identifying and defining the problems faced by communities, and leveraging social capital.

4.4 Conclusion

Conflict and Early Warning Systems have had a long history of application in security systems in Africa. The West Africa Region has modified its infrastructure and it now operates under the Network-for-Networks approach. Côte d'Ivoire has been a national beneficiary of this approach. Not only does the Network-for-Networks system adequately address the issues that typically arise in the application of EWER mechanisms, but it ensures that both the dynamism of violence and the resultant scale of harm are adequately catered for. The NfN approach should be applied to Kenya's EWER as well to adequately mitigate the effects of pastoral conflict in the NRR.

¹⁵⁶ Greiner C, 'Guns, land, and votes: Cattle rustling and the politics of boundary (re)making in Northern Kenya' 112 *African Affairs* 447, 2013, 218–221.

Chapter Five

5.1 Recommendations

After analysing the legal framework applying to pastoralism in Kenya, the international best practices practised in the pastoral sector all around the world, and the application of the NfN approach in Côte d'Ivoire, the study makes the following recommendations:

5.1.1 Extending the CEWARN approach to mitigate Pastoral Violence

As highlighted before, the CEWARN approach has primarily been used to navigate around climate change and its harmful repercussions in vulnerable areas and communities. Targeting the application of the system to detect and warn communities about violence would most likely have similarly successful results. The already established National Conflict Early Warning and Early Response System (N-CEWARN) is the perfect piece of infrastructure to carry out this goal. The meeting with regional stakeholders that took place in Naivasha, Kenya on “Developing and Sustaining an Integrated Livestock Early Warning and Timely Action” (ILEW-TA) System in IGAD Region shows the willingness of the system to gear the system towards livestock, the source of livelihood of many vulnerable communities.

5.1.2 Applying the NfN approach in CEWARN in Kenya

In addition to extending the application of CEWARN to apply to pastoral violence, the Network-for-Networks approach should be deliberately set up and applied by the N-CEWARN. The approach requires extensive collaboration between all the relevant stakeholders in the system. The only way to ensure that early warning is actually effective is by ensuring that the community is aware of the data and the predictions that stem from the data. Identifying gatekeepers and civil society organisations is a good first step. CSOs create employment from within the community which gives another channel through which information can reach the community. Moreover, the state should make active steps to work together with the regional EWER system, IGAD Early Warning and Early Response System.

5.1.3 Facilitating the operation of the CEWARN in Kenya through an Adequate Legal Framework

Creating an enabling environment extends to legislating laws and policies that would facilitate pastoralist activities and pastoral safety. Pastoral communities are citizens of Kenya and they have a right to live secure lives where they can focus on self-development rather than just struggling for their individual survival. Existing laws directly addressing the need to protect the pastoral sector would be a firm foundation for the establishment of CEWARN and its continued application in the NRR and even beyond.

5.2 Suggestions for Future Research

There is a need to understand the core motivations behind pastoral conflict and cattle rustling in the NRR and other regions in Kenya. Literature has presented several reasons why different communities steal cattle and perpetuate violence against one another. Different communities have different reasons for sustaining the violent practice of cattle rustling. Kenyan communities are very unique in their history, in their traditions and cultures, and therefore in their motivations for carrying out this dangerous practice. Understanding the source of this violence and why it is happening brings policy makers a step closer to curating the best method of resolving the long-standing practice.

5.3 Summary and Conclusions

Violence in the NRR has been long standing and community members have had to undergo displacement, loss of lives and loss of livelihoods. The state has largely taken a backseat in these security issues to the detriment of several communities. Security is a fundamental human need and pastoralists deserve to live a life free from fear and free to develop themselves in every way. Though there are several propositions as to why pastoral violence occurs, there is no single reason why pastoral violence occurs in Kenya and this is beyond the scope of the current study. The motivation behind cattle rustling is nevertheless irrelevant for the application of the NfN approach through the already present CEWARN infrastructure in the country.

In spite of decades of pastoral violence occurring in Kenya, legislation that could possibly extend to pastoral violence cannot directly apply to it. Even if the legislation was to apply to the dangerous practice, it could not sufficiently address all the concerns and harm that arises due to pastoral violence. The international community has set definitive standards on how to approach any issue in the pastoral sector. Pastoral issues must be dealt with through consultation and participation. Government coordination and regional cooperation are also very key in resolving any outstanding issues effectively for the long-run. All in all, the pastoral sector must be guarded jealously because pastoralists contribute in numerous ways to the economy and it is their political right to be protected from any and all forms of insecurity.

The AU established a security system and delegated its specific functions to Regional Economic Communities. The CEWARN system under ECOWAS has specifically flourished through the utilisation of the Network-for-Networks in the already existing CEWARN system. This has enabled extensive, thorough and efficient collection and dissemination of data required for early warning and early response in the country. The application of this system will require that Kenya creates an enabling environment of proactiveness and collaboration to achieve a peaceful NRR, a peace that will outlive existing communities for generations to come.

Bibliography

Books

Alex Bellamy, 'Responsibility to protect: The global effort to end mass atrocities', London, 2009.

Almagor V, *Pastoral Partners. Affinity and Bond Partnership among the Dassanetch of Southwest Ethiopia*, Manchester University Press, Manchester, 1978.

Barbier B, Acreman N, and Knowler D, *Economic valuation of wetlands. A guide for policy makers and planners*, Ramsar Convention Bureau, Gland, Switzerland, 1997.

Branch D and Cheeseman N, 'Introduction: Our turn to eat' in Daniel Branch, Nic Cheeseman, and Leigh Gardner (eds), *Our Turn to Eat: Politics in Kenya since 1950*, LIT Verlag, Berlin, 2010.

Brock, L. "Security Through Defending the Environment: An illusion." in Boulding, E. *New Agendas for Peace Research: Conflicts and Security Re-examined*, (Lynne Rienner Publishers: London, 1992).

Dahl G and Anders H, *Having Herds: Pastoral Herd Growth and Household Economy*, Volume 2. Stockholm: Department of Anthropology, University of Stockholm, 1976.

Daniel Branch and Nic Cheeseman, 'Introduction: Our turn to eat' in Daniel Branch, Nic Cheeseman, and Leigh Gardner (eds), *Our Turn to Eat: Politics in Kenya since 1950*, LIT Verlag, Berlin, 2010.

Galaty J, 'Maasai expansion and the new East African pastoralism', in Thomas Spear and Richard Waller (eds), *Being Maasai: Ethnicity and identity in East Africa* (James Currey, London, 1993).

George Curzon, *Frontiers*, Clarendon Press, Oxford, 1908.

Gulliver P, *The Family Herds*, 1st Edition, Routledge, London, 1955.

Head B, 'Taking Subsidiarity Seriously: What Role for the States?' Brown J, & Bellamy A, (eds), *Federalism and Regionalism in Australia: New Approaches, New Institutions?*, Australian National University Press, 2007.

Isoke H, 'The Dilemma of Porous Borders: Uganda's Experience in Combating Terrorism', Published, NAVAL POSTGRADUATE SCHOOL, Monterey, California, 2017.

Katsuyoshi F and David T (eds), *Warfare Among East African Herders*, Senri

- Ethnological Studies, National Museum of Ethnology, Osaka, 1979.
- Kennedy A. Mkutu, *Guns and Governance in the Rift Valley: Pastoralist conflict and small arms* (James Currey, Oxford, 2008); McCabe, *Cattle Bring Us to Our Enemies*.
- Krätli S, Valuing variability: new perspectives on climate resilient drylands development, International Institute for Environment and Development, London, 2015.
- King-Okumu C, Wasonga V, Jarso I, and Salah Y, *Direct use values of climate dependent ecosystem services in Isiolo County*, International Institute for Environment and Development, London, 2016.
- Locke, John, 1632-1704. *The Second Treatise of Civil Government and A Letter Concerning Toleration*. Oxford :B. Blackwell, 1948.
- Ole Wæver, 'Securitization and desecuritization', in Ronnie Lipschutz (ed.), *On Security* (New York: Columbia University Press, 1995); Buzan, Wæver, and de Wilde, *Security*.
- Ruthenburg H, *Farming Systems in the Tropics* Clarendon Press, Oxford, 1971.
- Sahlins P, *Boundaries: The Making of France and Spain in the Pyrenees*, 1st Edition, University of California Press, Berkeley, 1991.
- Stahl A, *African Archaeology (Blackwell Studies in Global Archaeology)*, 1st Edition, Wiley-Blackwell, Australia, 2005, 192.
- Schmidt-Nielsen K, *Desert Animals. Physiological Problems of Heat and Water*. Clarendon Press, Oxford, 1964.
- Stephen F, *Criminal Law and Practice*, Sweet & Maxwell, London, 2008, 11.
- Toulmin C, 'Tracking through drought: options for destocking and restocking' in Ian Scoones (ed.), *Living With Uncertainty: New directions in pastoral development in Africa*, Intermediate Technology Publications, London, 1994, 95–115.
- Turton D, 'Mursi Political Identity and Warfare: the Survival of an Idea' in K. Fukui and J. Markakis (eds) *Ethnicity and Conflict in the Horn of Africa*, James Currey and Ohio University Press, London and Athens, 1994, 15-32.
- Witsenburg K, and Zaal F, 'Spaces of Insecurity: Human Agency in Violent Conflicts in Kenya', African Studies Centre, Leiden, 2012.

Dissertations

- Haro A, 'Security and Pastoral Conflicts in Northern Kenya: A Case Study of the Mander Triangle' Published, University of Nairobi, Nairobi, 2008, 6.
- Jacobs A, 'The traditional political organization of the pastoral Maasai'. Published, Oxford University, Oxford, 1965;

Makau J, 'Factors Influencing Management of Case Backlog in Judiciary in Kenya: A Case of Courts within Meru and Tharaka Nithi Counties' Published, University of Nairobi, Nairobi, 2014, 32-81.

Journal Articles

Adano W, Dietz T, Witsenburg K, and Zaal F, 'Climate change, violent conflict and local institutions in Kenya's drylands' 49 *Journal of Peace Research* 1, 2012.

Amutabi M, 'Land and Conflict in the Ilemi Triangle of East Africa' 1 *Kenya Studies Review* 2, 2010, 26.

Amwata A, Nyariki D, and Musimba N, 'Factors influencing agro pastoral and pastoral households vulnerability to food insecurity in the drylands of Kenya: A case study of Kajiado and Makueni Counties' 26 *Journal of International Development* 5, 2015.

Armitage D, Berkes F and Dale A, 'Co-management and the co-production of knowledge: learning to adapt in Canada's Arctic' 21 *Global Environmental Change* 1, 2011.

Asiimwe S, 'The Effects of Porous Borders on the Security of States in the Great Lakes Region: A Case of Uganda' 7 *Social Science and Humanities Journal* 1, 2023, 3015.

Bassi M, 'Federalism and Ethnic Minorities in Ethiopia: Ideology, Territoriality, Human Rights, Policy', 1 *DADA Rivista di Antropologia posto globale*, 2014.

Blench R, "You can't go home again": Pastoralism in the New Millennium', Overseas Development Institute, 2001 <['You can't go home again': Pastoralism in the new millennium](#) -> on 10 December 2023.

Bollig M, 'Intra- and interethnic conflict in Northwest Kenya: a multicausal analysis of conflict behaviour', 88 *Anthropos* 3, 1993, 178.

Booth K, 'Security and Emancipation' 17 *Review of International Studies* 4, 1991.

Boye S and Kaarhus R, 'Competing claims and contested boundaries: legitimating land rights in Isiolo District, northern Kenya', 46 *Africa Spectrum* 2, 2011.

Brown L, 'The biology of pastoralism as a factor in conservation' 3 *Biological Conservation* 2, 1971.

Butler C, Christopher K and Scott G, 'African Range Wars: Climate, Conflict, and Property Rights', 49 *Journal of Peace Research* 1, 2012.

Butler C and Gates S, 'African range wars: climate, conflict, and property rights', 49 *Journal of Peace Research* 1, 2012.

Cline E, 'War on the hoof: regional security in Africa and livestock conflicts' 31 *Small Wars and Insurgencies* 1, 2020.

- Defontaine C, 'Setting up early warning and response systems to prevent violent conflicts and save lives' February 15 2019, –<[Setting up early warning and response systems to prevent violent conflicts and save lives](#)>– on 19 December 2023.
- Dyson-Hudson N 'Subsistence herding in Uganda' 220 *Scientific American* 2, 1969, 76-89.
- Evans G, 'The Responsibility to Protect: Ending Mass Atrocity Crimes Once and for All' 20 *Irish Studies in International Affairs* 1, 2009.
- Fratkin E, 'East African Pastoralism in Transition: Maasai, Boran, and Rendille Cases' 44 *African Studies Review* 3, 2001.
- Glover P and Gwynne P, 'The destruction of Maasailand' 2 *New Scientist* 249, 1961.
- Greiner C, 'Guns, land, and votes: Cattle rustling and the politics of boundary (re)making in Northern Kenya', 112 *African Affairs* 447, 2013.
- Greiner C, 'Unexpected consequences: wildlife conservation and territorial conflict in northern Kenya', 40 *Human Ecology* 3, 2012.
- Gunhild Hoogensen Gjørsv, 'Security by any other name: Negative security, positive security, and a multi-actor security approach', 38 *Review of International Studies* 4, 2012.
- Hendrickson D, Armon J, and Mearns R, 'The changing nature of conflict and famine vulnerability: the case of livestock raiding in Turkana District, Kenya' 22 *Disasters* 3, 1998.
- Holecheck J, Ciblis A, Bengaly K and Kinyamario J, 'Human population growth, African pastoralism, and rangelands: A perspective' 70 *Rangeland Ecology and Management*, 2016.
- Jackson R, 'The dangers of regionalising international conflict management: The African experience' 52 *Political Science* 1, 2000.
- Jain S, 'Doctrinal and Non-doctrinal Legal Research' 17 *Journal of the Indian Law Institute* 4, 1975, 516-536.
- Johnson T, Howitt R and Cajete G, 'Weaving indigenous and sustainability sciences to diversify our methods' 11 *Sustainability Science* 1, 2015.
- Kerkhoff L and Lebel L, 'Linking knowledge and action for sustainable development' 11 *Annual Review of Environment and Resources* 1, 2006.
- Lamphear J, 'The People of the Grey Bull: the origin and expansion of the Turkana', *Journal of African History* 29, Special Issue 1 (1988), pp. 27–39.

- Lampkin G and Lampkin K, 'Studies on the production of beef from zebu cattle in East Africa' 55 *Journal of Agricultural Science* 2.
- Loughlin B, Witmer F, Linke A, Laing A, Gettelman A, and Dudhia J, 'Climate variability and conflict risk in East Africa, 1990–2009', 109 *Proceedings of the National Academy of Science* 45, 2012, 18344–18349.
- Lwanga S, President of the Strathmore Law Clinic, 'Strathmore Law Clinic Legal Aid Caravan' –<[Strathmore Law Clinic Legal Aid Caravan 2023](#)>– on 22 November 2023.
- Macherera M and Chimbari M, 'A review of studies on community based early warning systems' 8 *Journal of Disaster Risk Studies* 1, 2016.
- Micah N and Wanyonyi S, 'Monitoring and Evaluation Systems and Performance of Non-Governmental Based Maternal Health Projects in Bungoma South Sub-County, Kenya' 13 *European Scientific Journal* 23, 2017.
- Molnár Z, Kelemen A, Kun R, Máté J, Sáfián L, Provenza F, Díaz S, Barani H, Biró M, Máté A and Vadász C, 'Knowledge co-production with traditional herders on cattle grazing behaviour for better management of species-rich grasslands' 57 *Journal of Applied Ecology* 9, 2020.
- Molnár, Z. "I see the grass through the mouths of my animals"—folk indicators of pasture plants used by traditional steppe herders', 37 *Society of Ethnology* 3, 2017.
- Muggah R and Whitlock M, 'Reflections on the Evolution of Conflict Early Warning' 10 *Stability International Journal of Security and Development* 1, 2022.
- Norström V, Cvitanovic C and Löf F, 'Principles for knowledge co-production in sustainability research' 3 *Nature Sustainability* 3, 2021.
- Nyman J, 'What is the value of security? Contextualising the negative/positive debate' 42 *Review of International Studies* 5, 2016, 824.
- Odhiambo M 'The Asal Policy of Kenya: Releasing the Full Potential of Arid and Semi-Arid Lands - An Analytical Review' 17 *Nomadic Peoples* 1, 2013, 5-7.
- Pablo M, Daniel B, Luis Cadahí'a J and Eronen T, Ivaro F, Slimane B, Øystein H, Oula S, Bayarmaa B, Mikael F, Mari'a E, Kathleen G, Mar C and Nils C, 'Toward a holistic understanding of pastoralism' 4 *One Earth* 5, 2021, 651 - 665.
- Palmieri N, 'The Responsibility to Protect' 26 *Willamette Journal of International Law and Dispute Resolution* 1/2, 2019, 46.
- Pham M, Thielen H and Bubeck P, 'Community-based early warning systems in a changing climate: an empirical evaluation from coastal central Vietnam. 16 *Climate and Development* 8, 2024, 674.

- Population Council 'Pastoralism and Conflict in the Horn of Africa and the Sahel' 44 *Population and Development Review* 4, 2018, 857-860.
- Ragin C and Zaret D, 'Theory and Method in Comparative Research: Two Strategies' 61 *Social Forces* 3, 1983, 731-754.
- Raleigh C, Linke A, Hegre H and Karlsen J, 'Introducing ACLED: An Armed Conflict Location and Event Dataset' 49 *Journal of Peace Research* 5, 2010.
- Reid R, Nkedianye D and Said M, 'Evolution of models to support community and policy action with science: balancing pastoral livelihoods and wildlife conservation in savannas of East Africa' 113 *Proceedings of the National Academy of Sciences* 17, 2016.
- Rita Floyd, 'Towards a consequentialist evaluation of security: Bringing together the Copenhagen and the Welsh Schools of security studies', 33 *Review of International Studies* 2, 2007.
- Ruong I, 'Types of settlement and types of husbandry among the Lapps in northern Sweden' 11 *Studia ethnographica Upsaliensia*, 1956.
- Sandra Gray, Mary Sundal, Brandi Wiebusch, Michael A. Little, Paul W. Leslie, and Ivy L, 'Cattle Raiding, Cultural Survival and Adaptability of East African Pastoralists' 44 *Pike Current Anthropology* 5, 2003, 3-30.
- Scheffran J, Brzoska M, Kominek J, Link P, and Schilling J, 'Climate change and violent conflict', *Science* 336, 2012.
- Schilling J and Werland L, 'Facing old and new risks in arid environments: The case of pastoral communities in Northern Kenya' 13 July 2023 –<[Facing old and new risks in arid environments: The case of pastoral communities in Northern Kenya | PLOS Climate](#)>– on 15 December 2023.
- Sterling J, Filardi C and Toomey A, 'Biocultural approaches to well-being and sustainability indicators across scales' 1 *Nature Ecology and Evolution* 12, 2017.
- Solomon H, 'African Solutions to Africa's problems? African Approaches to peace, security and stability' 43 *Scientia Militaria: South African Journal of Military Studies* 1, 2015.
- Theisen O, 'Climate clashes? Weather variability, land pressure, and organized violence in Kenya, 1989–2004', 49 *Journal of Peace Research* 1, 2012.
- Vines A, 'A decade of African Peace and Security Architecture' 89 *International Affairs (Royal Institute of International Affairs 1944)* 1, 2013.

Western D, 'The environment and ecology of pastoralists in arid savannahs' *Development and Change* 13: 1982.

Waller R, 'Ecology, migration, and expansion in East Africa', 84 *African Affairs* 336, 1985.

Wyborn C, Datta A and Montana J, 'Co-producing sustainability: reordering the governance of science, policy, and practise', 44 *Annual Review of Environment and Resources* 1, 2019.

Zondi S, "'New Fringe Pastoralism: Conflict, Security, and Development in the Horn of Africa and the Sahel' 7 *Ubuntu: Journal of Conflict and Social Transformation*, 2018, 2.

News Articles

Daily Nation 'Call to help villagers displaced by cattle rustlers return home' 6 June 2013
—<[Call to help villagers displaced by cattle rustlers return home - Kenya | ReliefWeb](#)>—
on 26 November 2023.

Reports

Born C, Eklöv K and Mobjörk M, *Advancing United Nations Responses to Climate-Related Security Risks*, 2019.

Food and Agriculture Organisation of the United Nations, *Improving Governance of Pastoral Lands*, 2016.

IGAD Climate Prediction and Applications Centre, *IGAD Regional Strategy For Disaster Risk Management (2019-2030)*, 10 January 2023.

IGAD Climate Prediction and Applications Centre, *IGAD Institutional and Operational Framework for Multi-hazard Early Warning and Early Action*, 10 January 2023.

IGAD Climate Prediction and Applications Centre, *IGAD Regional Framework for Integrating Disaster Risk Management and Climate Change Adaptation*, 10 January 2023.

IGAD Climate Prediction and Applications Centre, *Regional Framework for Mainstreaming Disaster Risk Management and Climate Change in School Curriculum*, 10 January 2023.

IGAD Climate Prediction and Applications Centre, *The African Union Commission (AUC) Multi-Hazard Early Warning Systems Framework (2022)*, February 2022.

IGAD, *Establishing Integrated Early Warning System for multi-hazard monitoring*, 2018.

International Monetary Fund, *Kenya's Economic Recovery Strategy for Wealth and Employment Creation*, 2004.

Krätli S, *Systèmes pastoraux dans le Dar Sila, Tchad*. Feinstein International Centre, 2018.

Ministry of Finance, Planning and Economic Development Kampala, Uganda, *Challenges and prospects for poverty reduction in Northern Uganda*, 2002.

Minority Rights Group International, *Pastoralism on the Margin* By John Markakis, 2004.

National Cohesion and Integration Commission of Kenya and International Organisation for Peacebuilding, *Impediments to Peace and Community Resilience in Kenya's North Rift Region*, January 2021, 2. Available at: –<[North Rift Regional Note | Interpeace](#)>–.

National Police Service, Annual Report (2021).

The Departmental Committee on Justice and Legal Affairs, *Report on the Consideration of the 2017/2018 Report on the Judiciary on the State of Judiciary and the Administration of Justice*, National Assembly, May 2019.

UNDPO, *The Protection of Civilians in United Nations Peacekeeping*, Ref. 2023.05 1 May 2023, 5.

United Nations Development Program, *Preventing transhumance-related intercommunity conflict in Chad: Towards a climate-sensitive conflict analysis*, 2020.

United Nations Development Program, *The Global Drylands Imperative: Devolving Resource Rights and the MDGs in Africa*, 2004, 17-24.

United Nations, *Report of the United Nations Conference on Sustainable Development*, 2012, 30.

United Nations Office for West Africa and the Sahel, *Pastoralism and Security in West Africa and the Sahel: Towards Peaceful Coexistence*, August 2018, 14.

United Republic of Tanzania, *National Report for the United Nations Conference on Sustainable Development, Rio + 20*, 2012, 99-100.

Other Links

–<[Cewarn](#)>– on 26 November 2024.

Cheng K, 'Northern Kenya's Unending Battle With Banditry and Cattle Rustling' News Lines Magazine, 16 September 2023 –<[Northern Kenya's Unending Battle With Banditry and Cattle Rustling - New Lines Magazine](#)>– on 17 October 2024.

‘Community early warning systems: guiding principles’ International Federation of Red Cross and Red Crescent Societies, 2012 –<[Community early warning systems: guiding principles](#)>– on 11 December 2024.

–<[Côte d'Ivoire/ Observatory for solidarity and social cohesion aims to curb violent extremism](#)>– on 11 December 2024.

–<[Developing Early Warning Systems: A Checklist](#)>– on 16 December 2024.

–<[DROUGHT CONTINGENCY PLANNING AND RESPONSE - NDMA](#)>– on 23 December 2024.

–<[East Africa Hazards Watch](#)>– on 1 December 2024.

–<[East Africa Drought Watch](#)>– on 1 December 2024.

–<[Early Warning Early Action | IGAD Resilience](#)>– on 15 December 2024.

Emmanuel M & David A, ‘Crime at the Uganda-Kenya border and a complicit security force’ Daily Monitor, 30 April 2018, –<[Crime at the Uganda-Kenya border and a complicit security force | Monitor](#)>– on 17 November 2024.

Evers L ‘Working for peace in Northern Kenya’ Relief Web, 7 January 2015 –<[Working for peace in Northern Kenya](#)>– on 16 December 2023.

Healy R, ‘Ugandan Court Find Seven Guilty in 2010 Twin Bombings in Kampala’, Center for Security Policy, 31 May, 2016 <[Ugandan Court Find Seven Guilty in 2010 Twin Bombings in Kampala - Center for Security Policy](#)> on 18 November 2024.

–<[Here is the Judiciary’s Solution to Case Backlog](#)>– on 16 October 2024.

Global Centre for the Responsibility to Protect, ‘What is R2P?’ –<[What is R2P? - Global Centre for the Responsibility to Protect.](#)>– on 19 December 2023.

–<[ICPAC - Warning Explorer](#)>– on 1 December 2024.

–<[IGAD - ICPALD](#)>– on 26 November 2024.

–<[IGAD Disaster Risk Management Programme - ICPAC](#)>– on 1 December 2024.

Human Rights Watch ‘Ballots to Bullets: Kenya’s Political Violence and Kenya’s Crisis of Governance’ March 2008. Available at –<[Ballots to Bullets: Organized Political Violence and Kenya's Crisis of Governance | HRW](#)>– on 10 October 2024.

Intergovernmental Authority on Development, *Establishing Integrated Early Warning System for multi-hazard monitoring*, 2018.

International Organisation for Migration –<[Conflict Early Warning and Response Mechanism \(CEWARN\) | Migrants in Countries in Crisis \(MICIC\)](#)>– on 18 December 2023.

International Organisation for Peace Building, ‘Creating epicentres for peace in the North

Rift Region in Kenya' Interpeace, 20 April 2022, –<[Creating epicentres for peace in the North Rift Region in Kenya - Interpeace](#)>– on 17 December 2023.

Kandagor D, 'Rethinking Pastoralism and African Development: A Case Study of the Horn of Africa', 28 October 2005 –<[Rethinking Pastoralism And African Development: a Case Study of the Horn of Africa](#)>– on 24 November 2024.

Kayunze A, Mashindano O and Maro F, (2011) 'Poverty mobility in Tanzania and linkages with governance' Chronic Poverty Research Centre, 2011, 49, –<[Poverty mobility in Tanzania and linkages with governance](#)>– on 25 November 2024.

Maalim A, 'Women contribute to a culture of violence and should therefore be involved in resolving conflicts' Finn Church Aid, 12 October 2018 –<[Women contribute to a culture of violence and should therefore be involved in resolving conflicts - Finn Church Aid](#)>– on 18 December 2023.

–<[Minority Rights Group](#)>– on 26 November 2024.

–<[National Coordination Centre for Early Warning Mechanism opens in Cote d'Ivoire | Economic Community of West African States \(ECOWAS\)](#)>– on 15 December 2024.

National Crime Research Centre, *Preliminary Report on 2022 National Crime Mapping: Public Perceptions and Experiences of Crime Prevalence in Kenya, 2022*.

Okumu, 'Youth-led Peace Caravans and Inter-community Peace building among Pastoralists in Northwestern Kenya' The African Centre for the Constructive Resolution of Disputes (ACCORD) –<[Youth-led peace caravans and inter-community peace building among pastoralists in North-Western Kenya](#)>– on 17 December 2023.

–<[Review of Early Warning, Risk Profiling, Contingency Planning Policy and Best Practices of Ethiopia, Kenya and Uganda](#)>– on 4 December 2024.

'Stopping Nigeria's Spiralling Farmer-Herder Violence' International Crisis Group, 26 July 2018 –<[Stopping Nigeria's Spiralling Farmer-Herder Violence | Crisis Group](#)>– on 19 November 2024.

United Nations Development 'Transhumance Routes for Survival' 22 September 2020 –<[Transhumance routes for survival | United Nations Development Programme](#)>– on 10 December 2023.

United Nations Development Program, *Preventing transhumance-related intercommunity conflict in Chad: Towards a climate-sensitive conflict analysis*, 2020, 2; –<[Statement by the President of the Security Council](#)>–. 19 November 2024.

United Nations Economic Commission for Africa, *New Fringe Pastoralism: Conflict and insecurity and development in the Horn of Africa and the Sahel*, Economic Commission for Africa, 2017.

—<[WARN – West Africa Network for Peacebuilding \(WANEP\); Cote D’Ivoire](#)>— on 14 December 2024.

—<[West African Network for Peacebuilding - Cote d’Ivoire \(WANEP-CI\) — Peace Insight](#)>— on 14 December 2024.

World Food Programme, ‘Pastoral and Agro Pastoral Production Systems in the Arid and Semi-arid Areas’ August 2018 —<[Pastoral and Agro Pastoral Production Systems](#)>— on 16 December 2023.

—<<https://documents1.worldbank.org/curated/en/798781468057855865/pdf/663080NWP00PUB0c020110Edition0no-05.pdf>>— on 9 December 2024.

Working Papers

Behnke R, and Muthami D, ‘The contribution of livestock to the Kenyan economy’ Djibouti: IGAD Centre for Pastoral Areas and Livestock Development, IGAD LPI working paper no. 03–11, 2011, —<[The Contribution of Livestock to the Kenyan Economy POLICY BRIEF SERIES](#)>—on 18 November 2024.

Haken N, Nasri P and Reece N, ‘Linking Early Warning and Early Response Networks in West Africa’ United States Institute of Peace, Peaceworks Number 195, 2024 —<[Linking Early Warning and Early Response Networks in West Africa](#)>— on 12 December 2024.

Møller B, ‘The pros and cons of subsidiarity: The role of African regional and subregional organisations in ensuring peace and security in Africa’ Copenhagen: Danish Institute for International Studies, DIIS Working Paper No 4, 2005, 29

Netherlands Institute of International Relations ‘Clingendael’, *Between hope and despair: Pastoralist adaptation in Burkina Faso*, February 2021 —<[Between hope and despair - Pastoralist adaptation in Burkina Faso](#)>— on 8 December 2024.

Tangka F, Jabbar M and Shapiro B, ‘Gender roles and child nutrition in livestock production systems in developing countries: A critical review’ International Livestock Research Institute, Socio-economics and Policy Research Working Paper No. 27, 2000 - [Gender roles and child nutrition in livestock production systems in developing countries: A critical review](#) on 16 October 2024.

Tuki D, 'Pastoral conflicts and (dis)trust: Evidence from Nigeria using an instrumental variable approach', Berlin Social Science Centre, Discussion Paper SP VI 2023–101, 2023, –<[Pastoral conflicts and \(dis\)trust: Evidence from Nigeria using an instrumental variable approach](#)>– on 21 December 2024.

World Bank, *Reconciling Society and the Judiciary in Northern Kenya*, December 2008, 11.

