



# The Politics of Violence in Marsabit County

By Wario Malicha



*“ . . . one half of Kenya about which the other half knows nothing about and seems to even care less.”* 1950s American writer Negley Farson describing the Northern Frontier Districts.

Ethnic rivalries are a global phenomenon that has spared neither the most established economies nor the developing nations. Kenya is no exception, most notably Northern Kenya which has been haunted by ethnic conflict since time immemorial. The conflicts in Marsabit, in particular, date back to the establishment of the postcolonial African state. Prior to colonisation by the British, pastoralist communities in the region were grazing on the slopes of the Ethiopian highlands and in the Kenyan lowlands. The establishment of the Kenyan-Ethiopian border by the British colonialist disrupted traditional grazing patterns and resource sharing, and affected how communities relate to each other. The creation of artificial boundaries by the colonialist without the involvement of the local populations created hatred among the pastoralists, distorted grazing patterns and led to competition for natural resources.

The treatment of northern Kenya as a separate region within Kenya and the marginalization of its communities led to demands for secession at Kenya's independence. When these were not met, the NFD exploded in rebellion in late 1963. Known as the *Shifita War*, the guerrilla insurgency lasted four years and resulted in massive loss of human life. The war of secession ended when Kenya and Somalia agreed to put their differences aside and signed an agreement in September 1967 that did not involve the insurgents. The agreement left some communities feeling betrayed by others, in

particular the Somali whose relations with the Borana were left in tatters.

Conflicts and violence among the pastoralist communities living on the periphery of Kenya take different forms, including cattle rustling, clan and ethnic violence, and the displacement of people. The proliferation of Small Arms and Light Weapons (SALWs), climate change, land and water scarcity, the collapse of inter-communal social contracts, and bad politics have exacerbated this already tenuous situation.

The vast arid and semi-arid upper eastern region of northern Kenya experiences intermittent communal conflict because it shares a porous border with the Republic of Ethiopia to the north and has routes into Somalia which feed the illegal gun market. According to a 2017 [small arms survey](#), the number of illegal arms in civil possession in Kenya is estimated at 750,000; the country has the highest number of unregistered firearms compared to other East African countries. The illegal arms economy is driven by supply from Ethiopia, most notably through the rebel fighters within the country. It is also fed by the al-Shabaab militia group through the Somalia corridor to neighbouring Wajir County. The supply of illicit arms also flows from South Sudan through the Lake Turkana route where unpaid soldiers and rebel fighters are still at large. Easy access to arms and light weapons has increased the severity of armed conflict undermining peaceful co-existence.

The Ethiopian government has little or no control over its porous border with Kenya through which illegal arms are trafficked. This contributed to the Turbi massacre which was linked to conflicts over water points and grazing land between the Gabra and Borana communities. Despite the formation of peace committees representing both sides, and numerous initiatives by different groups and peace declarations, the conflict has not subsided.

### **The question of land**

Land remains central to the conflict in Marsabit County, most notably in the Saku Constituency which borders Isiolo and Garissa counties. Unlike other parts of Marsabit County, Saku enjoys a moderate climate and has plenty of green pasture and ample boreholes (mainly within the grazing zones).

Saku shares similar geographic characteristics with the neighbouring Isiolo County, which has experienced conflict with Garissa County. Every pastoral community would like to have access to the green pastures and water points at Saku but the politicisation of access has worsened this conflict.

Skewed policy responses to conflicts over land by government authorities have worsened the situation. Dialogue to address land conflict and establish administrative units has degenerated into ethnic conflict due to failure to ensure proper public participation as enshrined in Constitution of Kenya 2010. There is an “implementation gap” between theory and practice when it comes to land policy that is often sacrificed at the altar of short-term political gain. The failure by the government to include women, the youth, and the elders of the affected communities in discussions on how to close the implementation gap in order to minimize conflict and achieve durable peace has created an unsustainable environment in Marsabit County.

The state’s failure to determine land boundaries has also exacerbated the situation and the vague demarcation of community land boundaries and the politics of land expansion have further aggravated the problem and intensified ethnic conflict.

### **The Borana and Gabra**

In explaining ethnic conflicts like the Moyale and Marsabit clashes, and the Turbi and Forolle massacres, the standard argument advanced by many interlocutors is that conflicts occur due to

competition over pasture and water sources. This reasoning does not really explain the trade in arms and the “political entrepreneurs”. The whole conflict revolves around the battle for votes and wealth as well as the expansion of administrative boundaries. To gain more recognition and support from the electorate, politicians act both within and outside the law to maintain their status, for instance by establishing new administrative units, awarding tenders to those of their tribe and offering lucrative jobs to their families and those from their own tribe. This breeds hatred and conflict as other tribes are left out.

The arms economy is another aspect that is left unexplained. The gun trade is massive business in the vast north and it is mostly the community that does not take part in the conflicts that does the trading. The trade in small arms is carried out with the full knowledge of the security apparatus. Money for the purchase of guns is raised by the community through collections from households and from those in employment. Failure to pay the set amount for gun purchases attracts heavy sanctions and penalties. Once the money is raised, the supplier is provided with the specifications of the arms and ammunition to be delivered at a specific location. Members of the security administration sometimes sell bullets to the communities in conflict at exorbitant prices. All these demonstrates how a weak state, corruption, political entrepreneurship and improper creation of administrative units fuel deep conflict and hatred between the communities.

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Conflict in Marsabit is predominantly between the Borana and the Gabra communities. These two warring communities previously lived harmoniously together, sharing compounds and household necessities. They intermarried and agreed on mechanisms to manage shared pasture and water points during periods of drought and in the rainy season. However, the situation has changed over the past decades and people have fled their homes and settled elsewhere.

The Gabra displaced the Borana from Hurri Hills and they resettled in Elle Borr near Sololo town. In their turn, the Gabra were evicted from the Gadamoji region of Saku Constituency during the 2005 Turbi massacre and they resettled in Jirime location in central Marsabit. These incidents point to an increasing rift between the two ethnic groups, which primarily revolves around land politics.

Attempts by the political elite to bring zones with plenty of pasture within “their” tribal boundaries have inflamed the situation. The Shurr region had been in Saku Constituency when former Member of Parliament for Saku, Jarso Jillo Falana, took office. Shurr came under North Horr Constituency in suspicious circumstances during his term.

Similarly, Horronderr and Shegel are in Saku Constituency but there are plans to move them to North Horr Constituency, which will shrink grazing zones for the pastoralists living in the Saku region. This is being done without public participation. Furthermore, Gabra encroachment into regions like Horronderr, which are Borana grazing zones, has led to loss of lives and livestock.

Traditional methods of resolving land issues have failed because of the breakdown of the social compact between these ethnic groups and the deep political divide. The communities have left it to politicians to find solutions but corruption within the local government has led to partial implementation of land policies.

Assigning districts and regions inappropriately to one ethnic group to the detriment of others living in the same area is a major cause of alarm and concern. For instance, two new sub-counties - Turbi and Dukana - were created in North Horr Constituency and gazetted on 7 October 2020. The change

brought additional benefits like recruitment into the military and other special services from the national government. With the gazettelement of these two sub-counties, other ethnic communities with larger populations felt left out, the skewed land boundary changes and the selective allocation of benefits from the national coffers resulting in more profound division and hatred.

The creation of the two sub-counties has pitted the Borana against the Gabra because it was seen as politically driven process. The land and boundary disputes are made worse by the fact that there are no clear land boundaries between the Borana and Gabra communities who coexist in the same settlements and share the same grazing lands. The boundary disputes are likely to escalate if the process of demarcation of boundaries by the Independent Electoral and Boundaries Commission (IEBC) ahead of the 2022 general elections proceeds without proper public participation and sensitivity to the conflict.

### **The Dedha system**

The communities of northern Kenya have established traditional methods of managing water resources and pasture. In the Borana community, a management council called the *Dedha* manages these resources.

The *Dedha* system breaks down pasture into grazing units (*artha*) which in turn are divided into several small grazing camps (*fora*). The existence of *Dedha* natural resource policies, some of which are incompatible, has resulted in complex rangeland management regimes and given rise to fragmented interventions and inadequate natural resource policies in relation to pastoralism. The majority of pastoral land resources are held by the national government under a controlled access system that regulates the management and utilization of resources.

The *Dedha* manager (*jars dedha*) controls access to the resource, with the control being intensified during periods of drought. The management of shallow wells falls under the owner of the well (*aba ella*) and the person who decides the watering rotation for each water point (*aba erega*).

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*Aba ella* assigns first rights based on a clan's membership and affiliation (*sunsuma*), and ownership. In case the well has extra capacity, the *aba erga* decides second rights, which are assigned to other clans whilst third rights are accorded to pastoralists from other ethnic groups.

In extreme cases, those moving with livestock (*qunn*) are granted temporary first rights to water use just like the *sunsuma* and the owner.

This well-crafted sustainable natural resource management system is challenged by the modern rules where people and livestock can move anywhere across the country. This throws the traditional mechanisms into disarray and makes resource management difficult.

### **What future for Marsabit?**

Marsabit County has in the past experienced intense tribal conflict over the control of natural resources, land boundaries, and more recently, political power.

Devolved governance was meant to guarantee the equitable distribution of national resources. However, in Marsabit County it has ushered in a new era of power struggles, deep hatred and division among the ethnic communities. The divisions between the communities are so deeply

entrenched that ethnicity is a common factor in how the county government undertakes development projects and programmes and offers jobs.

There is no one-size-fits-all approach for handling the multifaceted land problems in Marsabit County. The top-down peace-making process spearheaded by the NGOs in collaboration with the state agencies has failed due to lack of well-defined community boundary policies from the state, politicisation of the security apparatus and war as political business.

The United Nations Development Programme (UNDP), in collaboration with the Kenya government and Intergovernmental Authority on Development (IGAD), have spent [US\\$200 million](#) on a five-year integrated peace programme to engage both sides in peace-building. However, to date, the spending of this colossal amount of money has not yielded any remarkable results. The current peace-building process needs to take into account the developing dynamics of conflict in Marsabit.

The county government needs a conflict-sensitive service delivery and development plan instead of playing the tribal card in developing infrastructure, providing job opportunities and services to its community, which is against the principles enshrined in the Constitution of Kenya 2010.

Although there is no all-encompassing approach to diminish the frequency and intensity of land-related conflict in Marsabit County, there are vital considerations that development practitioners, policymakers, national and local administration need to take into account concerning resource management and governance.

The first step is to establish the political will to solve land problems. Securing land and resource governance entails engaging political processes as well as consolidating land social movements. Political will is pivotal as it plays an essential role in how boundaries are mapped and administrative units are established.

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The second is mainstreaming conflict and conflict mitigation into the planning and implementation process across all sectors and stakeholders and subsequently establishing district peace committees. This structure should be constituted with the help of all local communities and should encourage the collection of vital data relating to conflict in order to forestall outbreaks of conflict.

The interests of the citizens should be prioritized and public participation in land and water resource governance and management should be strengthened, just like in the case of the *Dedha* system established by the Borana community. Failure to include the views and opinions of the locals, in creating new administrative units and boundaries, for instance, has led to bloodshed in many of the ASAL regions. Government policy responses should be also be void of political interest.

The illegal flows of guns and ammunition must be stemmed and the local populations disarmed. This will help to reduce hostilities among the existing communities. The state security machinery needs to be committed to this duty in order to regain the public's confidence.

Finally, policy interventions to the build capacities of local customary institutions to undertake water and land governance and management should be the preferred option as, with the support of the state in terms of coordination and resources, these informal institutions are best suited to resolve local conflicts.

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