

DYNAMICS OF CONFLICTS IN THE MAU FOREST COMPLEX: TOWARDS AN EARLY WARNING AND MONITORING SYSTEM

Cover page: Ogiek having a peaceful environment in Mau Forest Complex

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ACRONYMS

ACHPR	African Commission on Human and Peoples Rights
AP	Administration Police
CBOs	Community Based Organizations
CEMIRIDE	Centre of Minority Rights and Development
CEWARN	Conflict Early Warning and Response Network/Mechanism
CEWER	Conflict Early Warning and Early Response
CEW	Conflict Early Warning
DPC	District Peace Committee
FAST	Early Analysis of Tensions and Fact-Finding
FBOs	Faith Based Organizations
FDGs	Focused Group Discussions
FEWER	Forum for Early Warning and Early Response
IDPs	Internally Displaced Persons
IGAD	Inter-Governmental Authority on Development
KFS	Kenya Forest Service
KIs	Key Informant Interviews
MRG	Minority Rights Group
NCEWERS	National Conflict Early Warning and Early Response System
NCIC	National Cohesion and Integration Commission
NSC	National Steering Committee on Peacebuilding and Conflict Management
OPDP	Ogiek Peoples' Development Programme
PM	Prime Minister
PMs	Peace Monitors
SALW	Small Arms and Light Weapon
UNDP	United Nation Development Programme
WARN	West Africa Early Warning and Early Response Network

EXECUTIVE SUMMARY

The Mau Forests Complex, with an area of over 400,000 hectares, is the largest forest in Kenya. The forest is a source of at least twelve major rivers, which flow into and sustain the fragile ecosystems in lakes Victoria, Nakuru, Bogoria, Naivasha, Natron, Elementaita and Turkana. The sprawling forest complex straddles several counties, namely Nakuru, Kericho, Bomet, Narok, Baringo, Keiyo Marakwet and Nandi, which are home to a total population of nearly seven million people.

Over the years, a large chunk of the Mau Forest Complex was excised to pave way for human settlement. These excisions both legal and illegal took place as a result of the government's bid to resettle the Ogiek and other Internally Displaced conflict victims (IDPs) in permanent settlements in a large degazetted chunk of the Forest. Through the actions of the corrupt government and Narok County Council officials, many more Kenyans encroached on the un-degazetted Forest land. This led to an outcry in civil society and a cross-section of Kenyan leaders and communities.

In response to this outcry to conserve the Mau water tower, with the approval of the Prime Minister's Office, the Kenyan government set up a Task Force in July 2008 to make recommendations on how to restore the Mau Forest. The Task Force released its report in March 2009, noting that over 60,000 hectares of the Forest had been excised both legally and illegally. The report recommended that the forests in the Complex should be rehabilitated and preserved by evicting the beneficiaries of the land allocations. Those with genuine and verifiable land titles would be duly compensated.

The release of this report precipitated the conflicts in the Mau Forest Complex. The communities targeted for eviction blamed the government and the communities who sold the government land for their woes. The Ogiek Peoples Development Programme commissioned this study in order to prevent conflicts from occurring or tensions escalating.

The main objective of this study was to identify, review

and document conflict early warning capacities in the Mau Forest Complex. In order to contextualize the conflict early warning system in the Complex, the study undertook a snapshot conflict analysis in the complex. It also identified, documented and analyzed traditional and formal conflict early warning mechanisms in the Complex.

The study found that land was the main cause of conflict in the Complex. Asked how they could classify conflict in the Complex, 67.8% of the respondents indicated that the conflict is land related. Nevertheless, 81% of the respondents noted that there was a need to preserve the Mau Forest Complex. About 44.6% of the respondents claimed that the evictions were not carried out properly, even though there was a critical need to conserve the forest in the Complex. This was corroborated by Focused Group Discussions and interviews, which discovered that the government's lack of consultation with the affected communities had been counterproductive to its conservation exercise.

In terms of conflict early warning, the study found that traditional conflict early warning was the dominant system in the Complex. 70% of the respondents indicated that they rely on this informal system for monitoring conflict indicators and generating early warning information and response options. The study also found that 63% of the respondents cited elders as their main source of conflict early warning information.

In terms of conflict indicators, the respondents ranked political incitement at 21%, as the main formal conflict indicator in the Complex. This was followed by the re-emergence or regrouping of morans/youth, the closing of markets and secret swearing-in ceremonies.

To prevent conflict in the Complex, the study recommends that OPDP, with help from other stakeholders in the Complex (including the government), should set up and operationalize a conflict early warning, monitoring and response system that is specific to the Complex due to

the conflict's uniqueness. This would entail designing the framework, identifying/recruiting/training/deploying conflict monitors and linking the system with other

conflict early warning systems, such as the NSC system. The study also makes other recommendations on how to prevent and manage conflicts in the Complex.

CHAPTER 1: INTRODUCTION

1.1 The Mau Forest Complex

With a surface area of over 400,000 hectares and at an average altitude of 2500 meters above sea level¹, the Mau Forest Complex is the largest forest in Kenya. The Forest is the source of at least twelve major rivers, which flow into and sustain the fragile ecosystems in lakes Victoria, Nakuru, Bogoria, Naivasha, Natron, Elementaita and Turkana. Moreover, its waters are critical in supporting a wide range of social and economic activities downstream such as generation of hydro-electric power, industrial and agricultural activities as well as domestic use within its catchments area.

The sprawling forest complex straddles at several counties, namely Nakuru, Kericho, Bomet, Narok, Baringo, Keiyo Marakwet and Nandi, which have a combined population of close to seven million people². To the local population, the forest is critical in the supply of wood fuel, medicinal herbs, supporting bio-diversity and honey (especially to the Ogiek community).

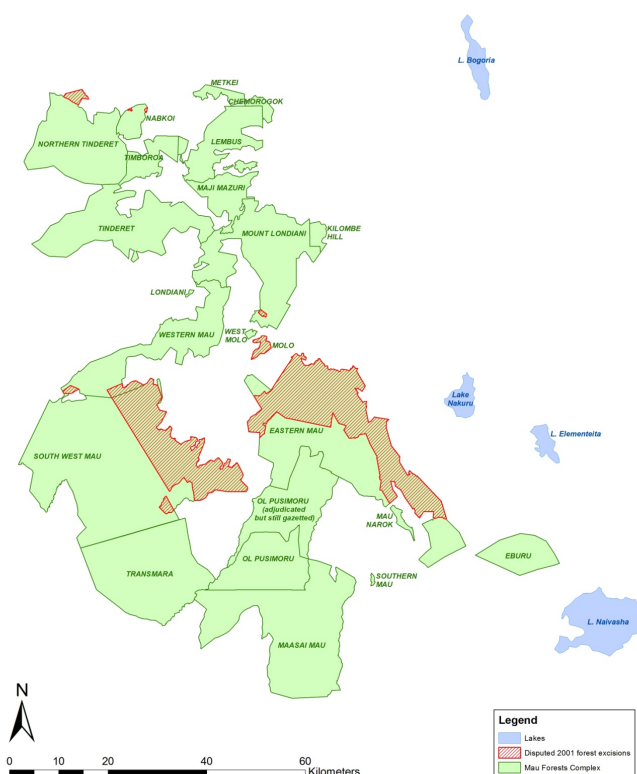
The forest is the home of the Ogiek people, a hunter-gather minority community, who solely depend on the Forest for food, medicine, shelter and the preservation of their culture³. Over the years, other communities as well as politically connected people have encroached into the forest, the cumulative effect being massive deforestation that is not only threatening to disrupt the Ogiek people's livelihoods and culture but has also affected the water resources originating from the Forest leading to reduced volumes of water in rivers as well as boreholes. This has led to a national outcry to preserve the forest for the sake of the water tower that is increasingly putting the lives of millions who depend on it in jeopardy.

¹ Mau Complex under siege: A report of UNEP, 2005

² Mau Task Force Report, 2010

³ For more information, access the site <http://www.ogiek.org/contact/org-profile-opdp.htm>

Figure 1: Map of The Mau Forest Complex showing the different forest blocks⁴.



1.2 Conserving the Water Catchment: The Government's Current Effort

In response to the outcry to conserve the Mau water tower, with the approval of the Prime Minister's Office⁵, the Kenyan government set up a Task Force in July 2008 to make specific recommendations on how to restore the Mau Forest:

- Recommend an effective management structure to stop any further degradation of the Mau Forest Complex;
- Develop a long-term solution for uncontrolled human settlement in and around the forest

⁴ http://www.maurestoration.go.ke/index.php/downloads/cat_view/62-maps

⁵ The Task Force is comprised of 21 members drawn from relevant Ministries and other stakeholders including the United Nations Environmental Programme (UNEP). Some of the Ministries include the Ministry of Wildlife and Natural Resources, the Kenya Forestry Service, the Ministry of Land, the Ministry of Agriculture and the Ministry of Provincial Administration and Internal Security amongst others. The Office of the Prime Minister coordinates this Task Force.

complex, including the relocation of populations which may be necessary for the conservation of the forest complex;

- iii. Suggest mechanisms for the restoration of all degraded forests and critical water catchments in the Mau Complex.

The Task Force released its report in March 2009, noting that over 60,000 hectares of the Forest had been excised and allocated to individuals and companies to pave the way for crop farming and livestock. However, they disregarded the importance of the Forest as a major water tower in the country and beyond.

The report further noted that some government operatives took advantage of the government's decision to resettle the Ogiek and other victims of the 1992 and 1997 land/ethnic clashes in the Forest by allocating themselves, their companies, well connected individuals and communities large portions of land in the forest. The beneficiaries of this assault on the Mau ecosystem were categorized by the report into:

- *Those with genuine title deeds*
- *Those with fake title deeds*
- *Those without title deeds (encroachers)*

In its recommendation to restore the water tower and stop further deforestation, the Task Force recommended that all those who have encroached into the forest be evicted to pave the way for reforestation efforts. To do this, the Task Force recommended that the government should compensate those with genuine title deeds only. The Task Force report also recommended that the eviction process should be distributed into three phases:

- Phase 1: Eviction of encroachers (without title deeds of any sorts)
- Phase 2: Eviction of those living in the forest but without title deeds or with illegally acquired title deeds
- Phase 3: Eviction of settlers with valid title deeds

The Task Force reports recommended that those who were rightfully settled and holders of valid title deeds

should be evicted and compensated according to the defined procedures.

At the time of this study, the government had managed to undertake phase 1 and 2 evictions, with the process stalling at phase 3 due to the complexities of compensations and the “high voltage” beneficiaries involved who happen to be in the Nyayo as well as Kibaki administrations⁶. As the country inches closer to the 2012 General Elections may have also contributed to its stalling due to the fear of political repercussions the eviction may have on some of the political ambitions of some of the personalities in Kenya.

The recommendations of the Task Force report has elicited mixed reactions in the Mau Complex region. Although there is a general consensus that the Mau Forest should be conserved, the process of doing so has invited tension between different communities residing in the forest as well as other communities in the country—due to political cum ethnic alliances that characterize the post multiparty democracy in Kenya.

There are those claiming that all settlers in the Mau Forest should be compensated and or resettled, irrespective of whether they are holders of valid title deeds or not. There are those who oppose this logic on the considered basis that it would amount to rewarding corruption and impunity in Kenya. There are those arguing that some communities, such as the Ogiek, who, as hunter-gatherers, have lived in harmony with the forest ecosystem, should be spared the evictions. There are those claiming that if the Ogiek are to be allowed to stay in the forests, this would amount to preferential treatment and selective application of the law. There are even those arguing that the people who used to

⁶ *It is in the public domain that high ranking people in the Moi as well as Kibaki regimes are some of the beneficiaries of the forest land in the Mau Complex. A retired chief in Sotiki counted more than 10 high ranking people in the two regimes who own large tracts of land in the Mau Forest Complex, inferring that the intention to permanently settle Ogiek as well as other victims of land clashes in the Rift Valley in Mau was political and abusive.*

be known as Ogiek have since been assimilated by other communities. It is becoming increasingly difficult to profile and identify the 'genuine' Ogiek, therefore, everyone should be evicted and compensated/resettled. This might not be necessarily true for the Ogiek people who have existed for a long time. The issue has been that there are other communities attempting to 'masquerade' as Ogiek in order to obtain benefits from minority rights and privileges. The Ogiek census of 2011 could resolve this issue, as it will profile and document the real Ogiek people in Kenya⁷.

These conflicts have also taken on a political and ethnic dimension. The Kalenjin and particularly the Kipsigis think they have been unfairly targeted with Kalenjin politicians accusing the Prime Minister⁸ of targeting their people although they had voted for him almost to a man.

The Maasai, who also happen to claim ownership of the Mau Complex (and especially those in Maasai Mau, the Trust Land of Narok County Council), support the eviction of the so called 'outsiders', but this support soon fizzles out when it comes to the eviction of encroachers of Maasai origin. The Kikuyu, the other sizeable group in the Mau Complex, perceive the actions to be hostile and consider them another ploy to displace them.

It is also alleged that some senior politicians have decided to drag their feet over the implementation of the Mau Task Force Report, because of the possible political consequences. On the other hand, the Kipsigis have been in loggerheads with the Maasai over the

7 In a bid to identify and count genuine Ogiek people, the government of Kenya ordered a special census in 2011 in Mau Forest Complex as well as other areas such as Mt. Elgon where a sizeable number of Ogiek are believed to live. By the time of this study, the census results were not yet out. It is anticipated that the census results will play a critical role in determining settlement and compensation of the Ogiek people. It is possible that it would benefit the government in its rehabilitation efforts in the Mau Forest Complex and the Ogiek people who are in habitats favourable to them.

8 Right Honorable Raila Odinga, is the current Prime Minister of the Republic of Kenya. During the 2007 General Elections, he ran for President on an Orange Democratic Movement Party (ODM) ticket. The Kalenjin community in Rift Valley voted overwhelmingly for him.

possibility that the former may complicate Narok County politics come 2012 due to their numerical strength. Since 1992, the Kikuyus and the Kalenjins have been 'clashing' every election year, and 2012 might be no different. The Ogiek, because of their numerical inferiority, could be the net losers if conflicts were to occur in the Mau Complex.

In addition to the efforts to restore the Mau Forest that have caused panic, fear and tension between communities in the Mau Complex, there is a critical need to analyze conflict factors in the Complex in order to come up with appropriate strategies for addressing such conflict factors. A starting point could be the conflict assessment that was conducted by the ProMara programme in the Complex in mid 2011.

Granted that the Ogiek are the indigenous inhabitant of the Mau Forest as well as other forests in Kenya, attempts to give them preferential treatment in the eviction processes will be met by resistance from other communities leading to conflict between the Ogiek and the other evictees. These were the sentiments of the FGDs conducted in Mwisho wa Lami, interviews in Sotiki and in Ololung'a. The evictees (in this case the Kalenjin, Kikuyu and Maasai) might also come into conflict with each other because of political rivalry and unresolved historical grievances. Hence the importance of assessing the potential for conflict in the Mau Complex as a whole without necessarily focusing solely on one community.

On the other hand, the issues in the Mau Forest Complex should not be seen as issues merely affecting the numerous communities eking out their living in the Complex. The destruction of the Mau Forest is a national and regional issue that merits attention at those levels. It is in the public domain that as a direct consequence of the regrettable and insensitive activities in this important water tower and the dozens of rivers originating from the Forest are recording dwindling water volumes. This is greatly inhibiting the ability of downstream communities to optimize their livelihood potentials.

Given the importance of this water tower, the potential conflicts and the 2012 General Elections-in which the restoration efforts are likely to be an issue- it is important to identify the conflict early warning indicators and formulate mechanisms to prevent or mitigate any that may arise. These preparations must be undertaken in order to save lives and property and put the reforestation efforts back on track for the common good of the country. This is why this study was deemed important and timely.

1.3 Study Methodology

1.3.1 Study Objectives

The main objective of this study was to identify, review and document conflict early warning capacities in the Mau Forest Complex. In order to achieve this, the study had the following specific objectives:

- Undertake a brief conflict analysis in the complex
- Find out and document traditional and formal conflict early warning mechanisms in the complex
- Make recommendations on how to implement a conflict early warning framework in the Complex in order to prevent and/or manage conflicts that may occur there

1.3.2 Data Collection

This study relied both on primary and secondary data, using qualitative and quantitative methods of data collection. To begin with, the study examined the existing work and/or literature on conflict field in the Mau Forest Complex and the conceptualization of the conflict early warning system/indicators. Various reports on the Mau Forests Complex were analyzed and this provided valuable insights that strongly influenced the design of data collection tools (questionnaire and Focused Group Discussions guiding questions).

A total of 186 questionnaires were completed across the various sample areas of the study. Out of the respondents, 117 (62.9%) were male, and 69 (37.1%) were women. This is largely due to the predominantly

patriarchal system that prevails in rural communities in Kenya, coupled with the fact that in most sample points the research targeted the head of the family (men), who would insist on being interviewed. In addition, women were shy and referred the researchers to the male counterparts in society.

Interestingly, an almost equal number of people were willing to be interviewed but preferred to respond to the questionnaire as a group, contrary to the methodology adopted. For instance in Tinnet, a group of youths who were attending a tree planting seminar organized by ProMara⁹ insisted that, as they didn't have anything to hide, they wanted their contributions to be made in public.

In addition to the questionnaires and interviews conducted in public at the insistence of the respondents, a total of 15 Focused Groups Discussions (FGDs) were held across six of the seven blocks that make up the Mau Forest Complex. In addition, 20 Key Informant Interviews (KIIs) that cut across civil society experts, members of Provincial Administrations particularly the chiefs, elders and District Peace Committee (DPC) members were conducted.

1.3. 3 Geographical Areas of Coverage

The study sampled ten locations within 6 of the 7 blocks that make up the Mau Forest Complex. These places were sampled on the basis of advice from the OPDP as

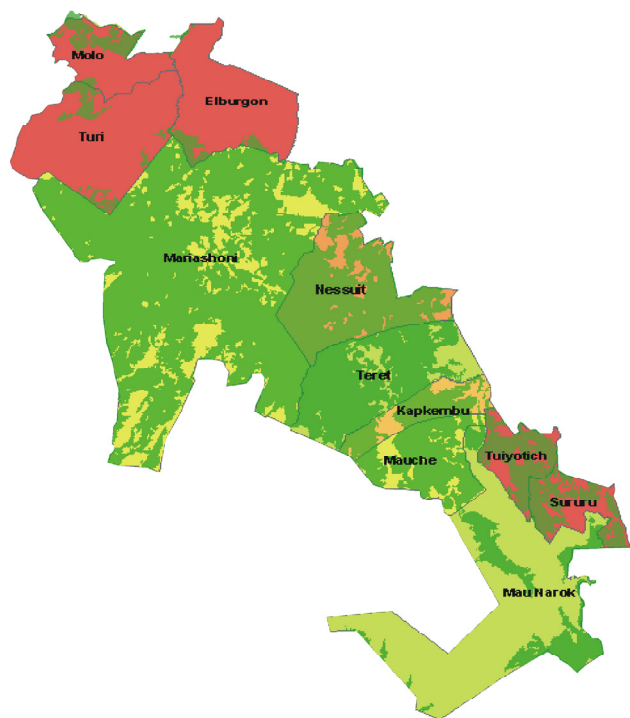
Table 1: Sample Points

	Frequency	Percent	Valid Percent	Cumulative %
Valid Ololunga	17	9.1	9.1	9.1
Tinet	7	3.8	3.8	12.9
North Tinderet	26	14.0	14.0	26.9
Mwisho wa lami	32	17.2	17.2	44.1
Nessuit	29	15.6	15.6	59.7
Mariashoni	3	1.6	1.6	61.3
Narok town	20	10.8	10.8	72.0
Olokurto	17	9.1	9.1	81.2
Enaibelbel	24	12.9	12.9	94.1
Sasimwani	11	5.9	5.9	100.0
Total	186	100.0	100.0	

⁹ ProMara is a USAID program implemented by a company called ARD – a Tetra Tech Company. The program seeks to conserve the Mau Forests Complex.

well as the review of literature, which concluded that these locations were potential conflict hotspots due to the nature of the evictions that were carried out in 2010. The ten sample points are as shown in the table below.

Figure 2: Map of Mau Forest Complex showing some of the sampled areas¹⁰



In these sample areas, the study used both random and convenient sampling methodologies. In some instances, the questionnaires were administered to those respondents who were available and willing to participate in the exercise. In addition, effective sampling was conducted especially in reaching out to peace committee members, youth, women representatives, provincial administration and civil society.

1.3.4 Data Analysis

The data was analyzed both quantitatively and qualitatively. The data emanating from the administered questionnaires was quantitatively analyzed using the statistical method set out in the Statistical Package for the Social Sciences (SPSS). Quantitative analysis using SPSS allows for cross-tabulation of different variables being analyzed, the cumulative result being a better

¹⁰ Map sourced from Ogiek People Development Programme (OPDP) Files

multi-dimensional and sectorial analysis of data. Data collected through Focused Group Discussions and Key Informant Interviews were mainly analyzed qualitatively by interpreting some of the thoughts and insights of the respondents.

During the analysis, it was found that a majority of respondents, 59.7%, were from the Ogiek community, followed by the Kipsigis who accounted for 15.1%, then the Kikuyu (12.1%) and a similar number from the Maasai. Other communities such as Luo, Kisii and Luhya made up a tiny 1.6%.

1.3.5 Study Limitations and Potential Sources of Error

The intention of the study was to administer at least 250 questionnaires, however only 186 were actually administered. In most of the sampled areas, people were very cautious about any research, due to suspicions that this research was just another process to justify their eviction from the Forest. Those suspected of being the beneficiaries of illegally allocated land were the most vocal in opposing any kind of research in their areas with some insisting that they had already shared their views with the Truth Justice and Reconciliation Commission (TJRC) and were not willing to engage in any further data collection processes.

The research also followed a census of the Ogiek people and the non-Ogiek were suspicious of the study as another ploy to justify the argument that the Ogiek should not be evicted since they lived in harmony with the forests.

OPDP is one of the complainants in a case lodged on behalf of the Ogiek before the African Commission on Human and Peoples Rights (ACHPR) in Banjul, Gambia. The case is still at the admissibility stage. The case challenges the Government's gazetting and subsequent de-gazetting and excision of the Ogiek community from their land, their unlawful allocation of this land to other non-Ogiek individuals, and continued threats of further eviction. The case also claims violations of the right to

natural resources, the right to development, and the right to freedom of religion OPDP is involved with CEMIRIDE and Minority Rights Group International (MRG) in this case. As such, most respondents responded to the questionnaires in the hope that the information gathered would bolster the community's case at ACHPR. The researchers had to clarify that this was not the main goal of this particular study, but still the respondents kept on stressing the importance of the case given the government's perceived inability to address the Ogiek people's historical grievances.

Most of the sampled areas were heavily populated by the Ogiek. This is why they accounted for the majority of the respondents and the study findings could as such be favourable to their cause. This is another potential source of error.

Finally, due to the rainy season, some areas were not accessible. The researchers had to hire motorbikes to reach some of the areas, but were unable to reach other locations and this might well have compromised the diversity of the study areas.

CHAPTER 2

SITUATIONAL ANALYSIS

2.1 Background

Between 2010 and 2011, the evictions in the Mau Forest Complex dominated the headlines of media outlets locally and internationally. The public eye focused on the grievances of those who were being targeted for eviction to pave way for forest conservation. The response of the communities were anger at the government for the evictions and the eruption of conflicts with members of ethnic groups that either sold them illegally acquired forest land or the communities which supported the evictions.

A climate of suspicion, mistrust and potential conflictual relationships was developing with political leaders exploiting the situation for their own motives. The Kalenjin politicians were up in arms against the eviction that seemingly targeted their people. On the other hand, the Maasai politicians were supporting the efforts to conserve the water tower, pointing to the dwindling water levels in the downstream rivers as their main concern.

Nevertheless, FGDs with various Kalenjin groups especially in Nesuet, Tinet and Ololunga cited political concerns as the reasons behind Maasai politicians' support for the evictions. In Ololunga, a Kipsigis elder told the researchers that the number of Kipsigis voters in Narok South and Trans Mara Constituencies threatened the position of Maasai politicians, as evidenced during the 2007 General Elections when a Kipsigis almost

won the Trans Mara seat. This prompted the Maasai poll agents to disrupt the process when it became increasingly clear that a candidate from the Kipsigis community was winning. Kipsigis allege that supporting the government's efforts to conserve Mau was seen by the Maasai as a way of 'cutting them down' politically.

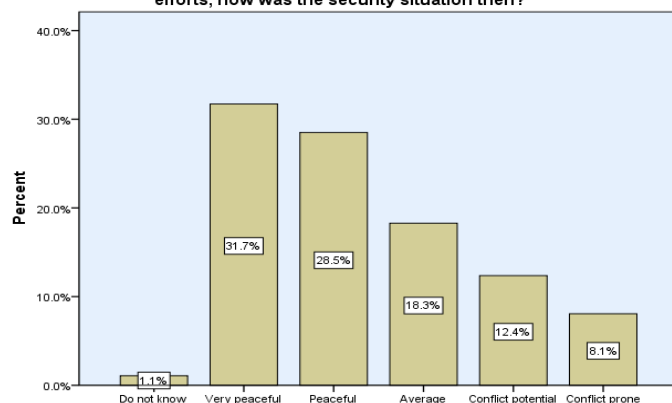
At the time of the study, the security situation was generally calm, although pockets of tensions could be easily mapped. Asked about the security situation prior to the evictions, 60.2% of the respondents said that the pre-eviction period was characterized by peaceful inter-communal co-existence. Only 12.4% of the respondents described the situation then as having 'conflict potential' and 8.1% as 'conflict prone'.

Although Key Informant Interviews and FGDs conducted in Likia, Mwisho wa Lami (Njoro District) as well as Molo elicited the opinion that the security situation was conflict prone as a result of the previous evictions that were politically and or ethnically instigated in the election years of 1992, 1997, the 2005 referendum and the post election violence of 2007/2008. A majority of the respondents cited the 2010/2011 evictions to conserve the Mau Forests Complex as the watershed in the conflicts in the Mau region. During the election related violence, the Kikuyu community was at the receiving end while the Kalenjin and the Maasai joined forces to forcibly evict them.

The table below illustrates the respondents' perception of the security situation in the Mau Complex prior to the evictions.

Table 2: Security Situation Before the Evictions

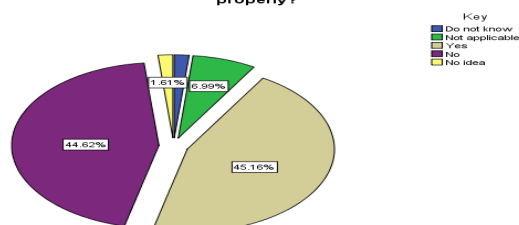
Before the 2010/11 Mau Forests Complex evictions to pave way for conservation efforts, how was the security situation then?



With the respondents generally agreeing that the pre-eviction period was largely peaceful despite the election-related clashes alluded to above, almost half of the respondents (45.2%) agreed that the evictions were carried out in a ‘proper way’ and that notions that the government had mismanaged the process were far-fetched. On the other hand, 44.2% of the respondents expressed the view that the evictions were not conducted ‘properly’.

Figure 3: Nature of evictions

Do you think the Mau Complex evictions to conserve the forest were done properly?



This almost even split in opinion is indicative of the existence of highly polarized opinions held by the different social groups that inhabit the Mau Forest Complex and adjacent areas, and constitutes an ominous recipe for future inter-communal friction, especially as the country moves towards another general election next year. The research holds that the almost 50-50 divide in opinion is a reflection of the overt and latent ‘native-settler’ schisms that have for decades shaped and underpinned community relations in this and other cosmopolitan regions of Kenya.

Interestingly, FGDs and KIs elicited opinion that the

evictions were not carried out ‘properly’ and that much conflict could have been avoided if the government had

educated and consulted the residents and their leaders on the (otherwise laudable) initiative to preserve the Mau Forest Complex. The results of the study and the responses of key informants and FGDs infer that the most counterproductive aspect of the entire process was a lack of consultation and conversations between government officials and community leaders on the plan of action for forest conservation. DPCs and even some members of Provincial Administrations in all the geographical locations sampled were unanimous that the process was not well thought out and that this could be blamed for the tensions that marked the eviction process.

Some communities such as the Ogiek have been known to live from the forests without necessarily engaging in deforestation. Thus, it was unfair for the government not to appreciate this reality and encourage other communities to take the cue and participate in environmental conservation. This was the cry in all the FDGs in all the areas occupied by the Ogiek people that were sampled by this study.

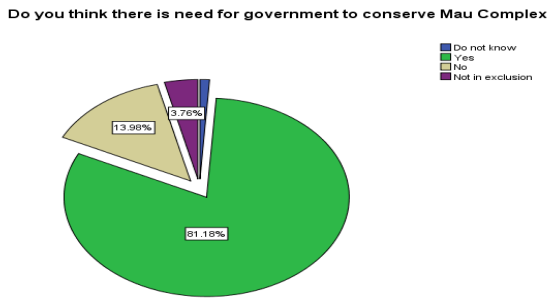
As will be observed elsewhere in this report, the Ogiek, and to a lesser degree the Maasai communities invariably advance the argument that their respective lifestyles (namely hunter-gatherer and pastoralism) are compatible with environmental conservation practices; hence there was no basis on which to justify their being removed from the massive water tower which they have inhabited for countless generations. In this regard, they further contend that the ‘outsider’ communities are greedy and hegemonic ‘mischief makers’ and land speculators who have “

‘ganged up’ with the intention of disinherit them of their ‘motherland’, despite the fact the settler communities have their ‘original’ ancestral lands to which they could return.

Support for this argument is evident when the respondents to the survey were asked if it was right for

the government to conserve the Mau Forest. Findings show that 81.1% of the respondents responded in the affirmative, meaning that they believed that the aim and intentions were desirable and logical. However, the process was poorly carried out and conflict insensitive. The table below illustrates respondents’ views on the need to conserve the water tower.

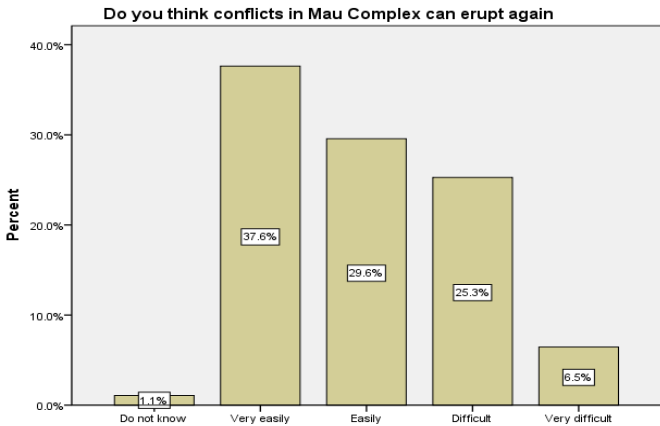
Figure 4: Need to conserve the Mau Forest Complex



In view of this overwhelming ‘endorsement’ for forest conservation, it could be safely suggested that, contrary to common belief, communities living around the Mau Forest- and perhaps by extension other gazetted government forests across the country- are not necessarily incorrigibly anti-conservation. Rather, their reluctance or even outright resistance to vacating government forests derive from the manner in which the eviction exercise is executed rather than the principle of environmental conservation. For this reason, the cumulative effects of political partisanship and negative ethnicity cannot be underestimated as terrible powder kegs for renewed ethnic conflagrations, and therefore need to be addressed and diffused in good time. What this study found was that despite the calm prevailing in the Mau Complex, latent conflict is still manifesting itself in a number of ways with deep seated ethnic hatred, the ‘indigenous’ vs. ‘settler’ debate and differences in political opinions being some of the conflict indicators. This is why when asked about the likelihood of conflict recurring in Mau 37.6% of the respondents were of the view that conflict can recur “very easily” whereas 29.6% expressed the view that conflict can recur “easily”. The combined percentage for the responses is 67.2%, suggesting that communities in the Mau Forest Complex are still living in fear of conflict. At best, these

communities can be said to operate on the basis of a love-hate relationship; and at worst, plot to harm or annihilate one another at the slightest provocation. The graph below illustrates these findings.

Table 3: Possible occurrence of conflicts in Mau Forests Complex in future



On the other hand, those who responded in the negative (“difficult” and “very difficult” categories), who accounted for 31.8%, can be said to be those who espouse the view that all- or at least the major- sticking points which had previously been cited as the root causes of internecine and inter-communal conflicts had been sufficiently resolved; hence there were no more legitimate grounds on which future conflicts could be based. With the benefit of hindsight, it is highly probable that the so-called ‘host’ ethnic groups, notably the Ogiek and the Maasai, hold this view while the ‘outsider’ communities comprising mainly members of the Kikuyu, Kipsigis and other marginal ethnic groups who have settled in the area- and who had previously borne the brunt of attacks- hold the contrary opinion.

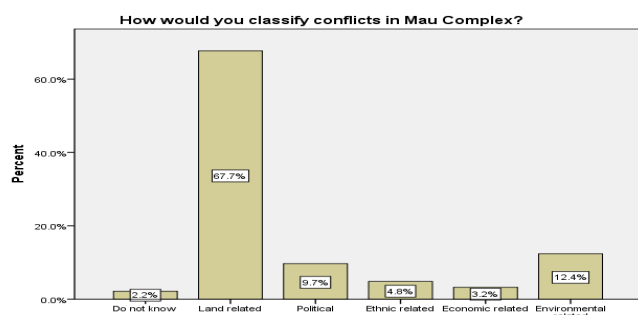
2.2 An Overview of the Nature and Causes of Conflict in the Mau Forest Complex

Conflicts in the Mau Forest Complex manifest themselves as land related, but a deeper analysis of the situation reveals other conflict factors at play with the land issue acting as a smokescreen. Most of the people interviewed either as key informants or in FGDs talked of land as the main conflict issue in Mau. This was corroborated by the quantitative data, which found out that 67.7% of the respondents classified conflicts in the Complex as land

related. Other major causes that were cited during the study included environmental conservation initiatives (12.4%) and tribal politics (9.7%).

The table below tabulates the findings of the perceptions of the respondents on classification of conflicts in Mau.

Table 4: Classification of conflicts in Mau Forests Complex



An interesting finding in the study was the fact that ethnicity was only cited by a tiny minority (4.8%) as a cause of conflict in the area, a fact that serves to disprove the widely held notion and perception that ethnicity was the overriding and ubiquitous factor responsible for the frequent conflicts that occur around the Mau Forest. Moreover, an even more marginal portion of the respondents thought that the conflict emanated from economic-related factors (3.2%), while 2.2% were unable to classify the causes of local conflicts at all.

• **Conflict and Ethnicity in the Mau Forests Complex**

In order to better understand this phenomenon, an attempt to highlight the causes of conflict in Mau Forests Complex using an ethnic perspective might be helpful. The table below illustrates the distinct considerations that different ethnic groups in the Complex view as the main cause of conflict.

When asked what are the main causes of conflict in the Complex, all the ethnic groups sampled ranked land ownership, or rather conflicts over access to and control of land in the Mau Forest Complex as the main cause of the conflict and/or tensions. Out of 111 sampled Ogiek respondents, 53 (or 47%) indicated land as the main bone of contention in the Complex. Amongst the sampled

Maasai, 17 out of 20 respondents (85%) also ranked land as the most contentious issue in the Complex. The same applies to the Kikuyu respondents where 19 out of 24 respondents (79%) rated land ownership as the main cause of the conflict in the Complex.

On the other hand, the Kipsigis respondents ranked disputes over land ownership and politicization of the conservation efforts as the main causes of conflicts in the Complex in that order. During FGDs, especially in Tinet and Ololung'a, the discussion found that the Kipsigis community felt unfairly targeted in the evictions that were to pave way for the forest conservation efforts. To most of them, the evictions were politically motivated since they are increasingly posing a threat to the status quo in Narok South constituency and the larger Nakuru County. Given their numerical strength, the Kipsigis respondents think that the evictions were designed to reduce their numbers and possible influence on the upcoming County elections in Narok and Nakuru counties in 2012.

The Task Force Report had inferred that preferential treatment of some communities during the eviction/forest conservation process was stoking tensions in the Complex. According to the Task Force Report, the idea of giving preferential treatment to the Ogiek on the basis that they are the indigenous group in the Complex did not go down well with other communities who were demanding that everyone should be evicted. However, this study found that preferential treatment was a minor concern for many of the communities sampled; leaving land ownership disputes as the main cause of conflict in the Complex.

• **Conflict and Gender in the Mau Forests Complex**

Analyzed by gender, many respondents again ranked disputes over land ownership as the main cause of conflict in the Complex. The table below illustrates this.

Table 6: Main Causes of Conflict based on Gender

Gender	Main Causes of Conflict in Mau Complex						Total
	Do not know	Land ownership	Politicization of conservation efforts	Ethnic rivalry	Forest degradation	Preferential treatment	
Male	2	53	21	10	26	5	117
Female	0	50	8	1	5	5	69
<i>Total</i>	2	103	29	11	31	10	186

Out of 69 women respondents sampled, 53 of them (72%) ranked land ownership (access and control) as the main cause of conflict. From the table above, women were more concerned about the land problem than men and this was confirmed by a women only FGD that was held in Nessuit. The women, both young and aged, cited land as the main bone of contention with the other conflict factors serving to strengthen claims over land in the Complex. To these women, land is the main source of livelihood for the communities inhabiting the fertile Complex and every conflict tends to revolve around the issue of land.

It is abundantly clear from the above analysis that to foster sustainable peace in the Mau Forest and surrounding areas, the relevant authorities must quickly find inclusive and mutually acceptable ways and means of resolving the 'land question' that has been its bane for decades.

In addition to land issue in the Complex, information gleaned from KIIs and FGDs also classified the conflicts as environmental, political, ethnic and economic. According to the Ogiek, land allocation and deforestation in Mau is not a recent phenomenon. During the colonial period, the colonialists were the first to introduce saw-milling in the Mau Complex mainly to exploit the then abundant high quality timber found there. Come independence, the Kenyatta government encouraged the Kikuyu community, through their land buying companies, to buy land in Mau; in the process excising a huge swathe of the then forest stretching all the way to El Burgon, Molo and Njoro among other areas.

Furthermore, under the guise of permanently resettling the Ogiek people in Mau, some government officials

used the process to allocate huge areas of forest land to pro-establishment individuals and communities now residing in Mau. While traversing the Mau complex, the research team was shown huge tracts of land belonging to key personalities in the previous as well as current regimes. What started as a process to resettle the Ogiek in the 1980s and early 1990s ending up displacing hundreds of Ogiek households from their homes in the Mau Forest Complex.

Also, as stated by Ogiek elders in all the sampled areas, corruption within the Ministry of Land, Narok County Council, the Kenya Forests Service and the Provincial Administrations conspired to dispossess the Ogiek community of their home and land (forests) as huge chunks of land were illegally excised and allocated to some government officials and their cronies, who later sold those pieces of land in Mau to unsuspecting buyers. Both the Ndung'u Land Commission and Waki Commission reports,¹¹ as well as studies conducted by other agencies¹² in Mau Complex cite these irregular and illegal excisions of forest land and the issuance of illegal title deeds as a major cause of the deforestation of the Mau Complex, as well as the current problems the government and residents of the Complex are confronted with.

In addition to the alleged plot by the Maasai to use the eviction in order to reduce the Kipsigis' political weight, the politics in Nakuru County in the run up to 2012 General Elections were also cited as forces shaping the

¹¹ For detailed information about the problem of land in Kenya, including the Mau Forests Complex, please read these reports (full reference in the bibliography page).

¹² ProMara has conducted an assessment of conflicts in Mau Forests Complex and the preliminary findings indicate that land is a main cause of conflicts in the Complex.

conflict in the Complex. Some political leaders from the Kalenjin community are reported to be worried about the decreased influence they are likely to have in the politics of the Nakuru County, given their numerical strength compared to other communities residing there. The respondents in the survey therefore suggested that there is a need for a framework to forestall any future perceived conflict resulting from this political arrangement in Nakuru County.

In terms of other causes of conflicts in the Complex, loss of economic opportunities accrued from Forest land as well as loss of ancestral land were among the other leading causes of conflict. Communities residing in the Complex farm, keep livestock or engage in hunter-gatherer activities for their livelihoods. Eviction of these groups will definitely affect their livelihoods, given that a good proportion of them have nowhere else to go since they sold their land back 'home' in order to buy bigger and more productive plots of land in the Complex.

Whereas the Ogiek and Maasai dispute such claims, interviews with Kipsigis reveal that most of them sold their plots of land in order to buy land in Mau, land that was sold to them by the Ogiek and the Maasai. They are now asking why those who sold them the land are supporting the evictions and not talking about compensating them.

This scenario has created a two-fold manifestation of conflict in Mau Forest Complex:

One, those evicted have since turned on the state for evicting them in the most deplorable manner, wondering why the same government which gave them title deeds to the land now claims it was illegally allocated. The fact that President Kibaki presided over a Title Deeds granting ceremony in Mau in the run-up to the 2005 referendum gives some weight to the arguments put forward by the Kipsigis community.

Two, this state of affairs has given rise to conflicts between the 'indigenous' communities, primarily the Ogiek and the Maasai, and the 'settler' communities, the Kipsigis, Kikuyu and other groups. The conflict centers

around the fact that the indigenous communities sold both legally and illegally allocated land to unsuspecting land buyers.

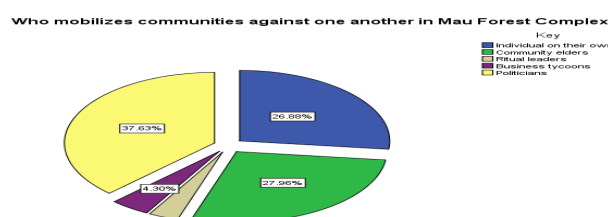
In retrospect, it is important to appreciate that the twin phenomena of land and ethnicity in the context of a cosmopolitan area such as the Mau Forests Complex are not mutually exclusive, but inextricably affect and influence each other. There is a wide range of social, economic and political undercurrents in the area that tend to 'conspire' to trigger, escalate and perpetuate an ethnicity-based scramble for the highly fertile Mau Forest Complex.

2.3 Conflict Actors

In terms of actor analysis, another important ingredient of conflict mapping, analysis and early response, the study sought discover the actors that mobilize the communities during conflict. The study further sought to understand the category of individuals or social groups that mobilize communities along ethnic lines. The purpose of this line of questioning was twofold: One, to profile and identify the various concerns of the conflict actors in the Mau Complex. Two, to provide a framework of engagement with these conflict actors with a view to 'converting' them into agents of peace (peace makers). In the realm of conflict analysis, it is important to identify such actors, as a means of not only understanding the conflict but to be able to also target the real actors in order to involve them in peace making.

The figure below illustrates this.

Figure 5: Community mobilizers in Mau Forests Complex



This question yielded responses that identified three major 'culprits' as follows: political leaders (37.63%),

followed closely by community elders (27.96%) and individuals (26.88%). Right at the bottom were business tycoons (4.30%) and ritual leaders.

However, the fact that community elders were identified as major 'actors' in stoking the fires of conflict was clearly depressing, considering that this group has typically been known- or at least assumed- to play the role of peace makers and conflict resolvers. This

situation becomes all the more disconcerting when looked at in the context of the recent phenomenal proliferation of amorphous ethnicity-based 'Councils of Elders', whose general stated objectives are, ironically, to foster inter-communal harmony. Nonetheless, it should be appreciated that elders are also human beings who are sometimes guided by passions and self-interest. This should not be seen as downplaying their immense capacity to prevent and manage conflicts as has been demonstrated in pastoralist Northern Kenya¹³.

13 Mohamud, A. and Pkalya, R, 2003, Conflicts in Northern Kenya: A Focus on Internally Displaced Conflict Victims, Practical Action, Nairobi

CHAPTER 3:

REVIEW OF LITERATURE: AN OVERVIEW OF CONFLICT EARLY WARNING SYSTEMS RELEVANT TO THE STUDY

3.1 Conceptual Issues

The terms 'conflict early warning' and 'early response' have become one of the main pillars of conflict prevention, management and transformation in many parts of the world. These terms, and particularly the 'early warning', have their origins in military and humanitarian parlance. 'Early warning' traces its modern origin to the Cold War era especially in the field of national military intelligence to enhance the capacity of predicting potential (ballistic) attacks¹⁴. The military use of the concept was based on the ability to gather intelligence information regarding the military capability of the enemy¹⁵ including predicting when such an enemy might strike.

On the other hand, the humanitarian agencies trace the origin of the 'early warning' concept to the 1950s when a connection was made between the efforts to predict environmental disasters, such as drought and famine, and attempts to foresee crises arising out of political causes¹⁶. In this context, an 'early warning system' seeks to forecast and/or predict natural disasters with the aim of mobilizing efforts and resources to forestall it and mitigating its effects once it has occurred.

Although the literature seems to suggest that the origin of this concept could be traced to 1950s and the cold war era in general, it should be noted that human civilization, whether in Africa or China, had its own traditional ways of predicting and/or forestalling a natural calamity or conflict. Among the pastoralist communities of the

Horn of Africa region, elders believed that they could predict a major calamity by studying the intestines of slaughtered livestock¹⁷. In India, both the Dungarpur and Mayurbhan ethnic groups depend on nature to provide early warnings. They observe cloud movements, the movements of animal and changes in the flora to generate their early warning knowledge¹⁸.

From the above, it is evident that early warning and early response mechanisms have existed for a long time. Having traced its origin and use, it is a high time to define it. The international Strategy for Disaster Risk Reduction of the UN defines early warning as the provision of timely and effective information through identified institutions, that allows individuals exposed to hazard to take action to avoid or reduce their risk and prepare an effective response¹⁹. The limitation of this definition is that it places the burden of 'taking action' on individuals when the understanding is that institutions, both state and non-state, have a big role to play in early warning processes, especially in the response.

Expanding the above definition, Ampleford and Troy of the International Development Research Centre define early warning as the systematic collection and analysis of information coming from area of crises, [and] the provision of policy options to influential actors²⁰. The *Berghof Handbook for Conflict Transformation* defines an early warning system as any initiative that focuses on systematic data collection, analysis and/or formulation of recommendations, including risk assessment and information sharing, regardless of topic, whether they

14 Niels Von Keyserlingk and Simone, Kopfumuller, 2006, *Conflict Early Warning Systems: Lessons Learned from establishing a Conflict Early Warning and Early Response Mechanism (CEWARN) in the Horn of Africa*, GTZ, Djibouti and Addis Ababa.

15 During the cold war era, the world was virtually divided into two opposing groups; the western capitalist led by USA and the Eastern communists led by the former USSR. Each block perceived the other as enemy and vice versa.

16 Anna Matveeva, 2006, *Early Warning and Early Response: Conceptual and Empirical Dilemmas*, European Centre for Conflict Prevention, Den Haag.

17 Ruto Pkalya, Mohamud Adan and Isabella Masinde, 2004, *Indigenous Democracy: Traditional Conflict Resolution Mechanism*. Pokot, Turkana, Marakwet and Samburu, Practical Action, Nairobi.

18 Devinder Sharma (editor), 2001, *Coping Strategies and Early Warning Systems of the Tribal People in India in the face of Natural Disasters*, ILO, New Delhi.

19 Verofina F. Grasso and Ashbindu Singh, undated, *Early Warning Systems: State-Of-Art Analysis and Future Directions*, A Draft UNEP Report,

20 Ampleford, Susan and Joseph, Troy, 2000, "Methodology Review Discussion Paper", Country Indicators for Foreign Policy, The International Development Research Center

are quantitative, qualitative or a blend of both²¹.

From these three definitions of early warning, it can be inferred that the goal of early warning systems may be conceived as avoiding or minimizing violence, deprivation or humanitarian crises that threaten the sustainability of human development²². In other words, any system that seeks to predict, forestall and minimize catastrophes fits the bill of early warning, whether it is in the natural disaster field or conflict realm.

In terms of conflict management, early warning has been understood differently. The protocol establishing CEWARN defines early warning as the process of collecting, verifying and analyzing information and communicating the results to decision-makers²³. On the other hand, The Forum for Early Warning and Early Response FEWER defines conflict early warning as the systematic collection and analysis of information coming from areas of crises for the purposes of anticipating the escalation of violent conflict; development of strategic responses to these crises; and the presentation of options to critical actors for the purposes of decision-making²⁴. The Kenya National Conflict Early Warning System loosely describes conflict early warning as indicator based factors that anticipate conflict based on conflict fault lines.²⁵

Across the definitions, there seems to be a consensus that early warning relies on a systematic collection of quantitative and qualitative data, generating scenarios and proposing options of responding to the issue at hand, whether conflict or natural disaster in order to prevent or mitigate the effects of such calamities. Such a system should be timely in generating the early warning

information as well as proposing response options to the communities and authorities.

It thus follows that conflict early warning involves the ability to predict or anticipate the likelihood of conflict occurring based on certain indicators or trends of conflict in a timely manner in any given place. For such a process to be reliable, it should adhere to a systematic collection and collation of data (quantitative and qualitative) as well as generating and communicating possible conflict scenarios to authorities and the citizenry. Such early warning information should ideally generate or initiate early responses to the conflict by peace stakeholders, whether state or non-state.

Conflict early warning and early response go hand in hand. It would be futile to generate early warning information without doing something about it, and in a timely fashion. In terms of early response that have been vaguely included in many of the early warning definitions, this study would like to adapt the Berghof Handbook of Conflict Management, which defines early response as any initiative that occurs in the latent stages of a perceived potential armed conflict with the aim of reduction, resolution or transformation of conflict.

Such a response should be timely, bringing in another question of how “early” is early response. Can the ‘earliness’ of a response be determined by a time factor? These are perhaps questions that have been on the minds of many conflict early warning institutions and individuals; and no firm consensus seems to have been reached. However, this study would like to identify itself with the UWIANO Platform for Peace, which operates on a timeline of 48 hours to respond to an early warning alert²⁶.

UWIANO, a Swahili word meaning cohesion, was an initiative by four organizations, namely the National Steering Committee on Peace Building and Conflict Management (NSC), the United Nations Development Programme (UNDP), the National Cohesion and

21 Alexander Austin, 2003, *Early Warning and the Field: A Cargo Cult Science?*, Berghof Research Centre for Constructive Conflict Management, <http://www.berghof-handbook.net>

22 John Davies, 2000, *Conflict Early Warning and Early Response for Sub-Saharan Africa*, Centre for International Development and Conflict Management, University of Maryland, Maryland.

23 Protocol on the Establishment of a Conflict Early Warning and Response Mechanism for IGAD Member States. Available online at http://www.cewarn.org/attachments/058_The%20CEWARN%20Protocol.pdf

24 Fagbemi, Ayokunle, 2008, *Implementing Conflict Early Warning and Response in Nigeria*, CePSERD, Abuja.

25 <http://www.nscpeace.go.ke/nsc/index.php/concept-of-early-warning>

26 Ekuam Daudi, 2010, *Uwiano Platform for Peace: Drawing from experiences and lessons learned*. Unpublished report, UNDP, NSC, NCIC, PeaceNet, Nairobi.

Integration Commission (NCIC) and PeaceNet Kenya, who came together in the run-up to the 2010 constitutional referendum in Kenya. The initiative set up a toll free short message service (SMS) to collect conflict early warning information and responded to requests for rapid response within 48 hours. To its credit, although the issue of attribution is highly contested in peace building, no single Kenyan was displaced or killed during the referendum. Whilst issue of timeline could be problematic, depending on each particular conflict context, an early response should occur in the shortest time possible to avert eruption of conflict, loss of lives or escalation of the conflict. If these conditions are met, then such an early response could be deemed appropriate.

3.2 Conflict Early Warning Systems

There are a number of conflict early warning and early response systems operating at different geographical levels. These ranges from the global to continental, regional, national and in some places, local level conflict early warning systems. Some of these systems include but are not limited to the following.

-FAST

Early Analysis of Tensions and Fact-finding (FAST) is a political early-warning system, initially introduced by Swisspeace in 1998 for the Swiss Agency for Development and Cooperation (SDC) to support decision-makers in policy, administration, and business. Today, FAST International is an independent early warning programme covering 20 countries/regions in Africa, Europe, and Asia. The objective of FAST International is the early recognition of impending or potential crisis situations in order to prevent violent conflict²⁷.

FAST uses an events-based methodology that includes the monitoring and coding of environment and natural resource-related conflictive and cooperative events, which is then used to generate early warning information and analyses across the areas where the

data is collected. FAST cooperates with a number of institutions as well as governments, especially as far as response is concerned.

-FEWER

Forum for Early Warning and Early Response (FEWER) International is a global coalition of non-governmental and governmental agencies and academic institutions working to promote coordinated responses to violent conflict. It has regional offices in Nairobi and Moscow, supporting conflict early warning and early response activities in Africa and Eurasia respectively²⁸.

In terms of conflict early warning, FEWER conceptualizes this as the ability or capacity to:

- anticipate violent conflicts, war, genocide, massive human rights abuses, political instability and state fragility,
- assess the likely trends and scenarios,
- formulate strategic response to conflict and crises including the identification of strategies and opportunities for peace, and
- the presentation of options to critical actors (local, national, regional and international) for the purposes of decision-making and preventive or 'early' action²⁹

Perhaps this conceptualization of early warning by FEWER seems to have informed the understanding of this concept by various organizations such as AU and IGAD (CEWARN)

It is important to note that over the years, both FAST and FEWER have had to contend with funding constraints, which has greatly inhibited its activities. Albeit their websites shows that they are still active in a number of countries, other publications consider them operationally closed, save for few isolated early warning projects here and there³⁰.

²⁸ <http://www.fewer-international.org/>

²⁹ Ibid

³⁰ Organization for Economic Cooperation and Development (OECD), 2009, *Conflict and Fragility: Preventing Violence, War and State*

²⁷ http://www.ecc-platform.org/index.php?option=com_content&task=view&id=548&Itemid=161

-AU

At the continental level, the African Union is in the process of operationalizing its Conflict Early Warning System (CEWS), which seeks to provide timely advice on potential conflicts and threats to peace and security in order to enable the development of appropriate response strategies to prevent or resolve conflicts in Africa³¹. Once fully operational, this will be a continental initiative to prevent and/or manage violent conflicts in Africa. It will rely on political, economic, environmental and social indicators to generate its early warning data.

-Regional Early Warning systems

At the regional levels, the West Africa Early Warning and Early Response Network (WARN) and the CEWARN mechanism of the IGAD are perhaps the two most successful early warning initiatives. WARN works to enhance human security in West Africa by monitoring and reporting socio-political situations that could degenerate into violent and destructive conflicts. WARN informs policy makers on options for response on one hand, and the West Africa Network of Peacebuilders (WANEP's) response strategies on the other.³² To increase the robustness and reliability of the system, WARN is developing an early warning system in all of its national networks. It is also establishing community-based conflict monitoring systems with local monitors to produce conflict and peace assessment reports, early warning reports, and policy briefs which are widely disseminated to CSOs, governments, intergovernmental bodies, partners, and UN agencies³³.

On the other hand, CEWARN, which is operational in three cross-border areas of the IGAD region namely Karamoja,

Collapse. The Future of Conflict Early Warning and Response, OECD, available online at file:///E:/OPDP/Preventing-Violence-War-and-State-Collapse-The-Future-of-Conflict-Early-Warning-and-Response.htm. It is important to note that FEWER is no longer active in most of the countries and what is probably left is a network of locally (maybe nationally as better understood) NGOs that seek to carry on with some of the defunct FEWER activities.

31 <http://www.africa-union.org/root/au/publications/PSC/Early%20Warning%20System.pdf>

32 <http://www.wanep.org/wanep/programs-our-programs/warn.html>

33 Ibid

Somali and Dhikil clusters, operates an indicator-based early warning system focused on cross border and interstate pastoral and related conflicts, monitoring specific factors in so far as any aspect relating to them could be peace-promoting or conflict generating. Collection and analysis of information received from the field is done through National Research Institutes (NRIs), independent bodies contracted directly by CEWARN³⁴.

The CEWARN system collects information on a wide range of things such as livestock rustling, conflicts over grazing and water points, nomadic movements, smuggling and illegal trade, refugees, land mines and banditry. CEWARN has, however, been mandated by the Member States to commence with the monitoring of cross-border pastoral and related conflicts, providing information to Member States concerning potentially violent conflicts as well as their outbreak and escalation in the IGAD region³⁵.

-National NCEWERS

The NSC operates a national early warning system that is web based and relies on three sources of information i.e. situation reports from DPCs/Peace Monitors, media and crowd sourcing through SMS to generate conflict early warning alerts and trigger a response. The system, albeit very fast in receiving and analyzing information, is still in its infancy and has divided the country into three clusters, namely pastoralists, rural and urban. Each of the clusters has its own unique indicators that the DPC and PMs reports on³⁶.

From NSC early warning perspective, the conflicts in the Mau Forest Complex could be classified as rural cluster. However, it is critical to note that some of the Mau Forest Complex inhabitants are agro-pastoralists as well as hunter-gathers meaning that the NSC system could be missing on some of its conflict indicators, and that is why a local system specifically for the conflict prone Mau Forest Complex is long overdue.

34 http://www.cewarn.org/index.php?option=com_content&view=article&id=60&Itemid=85

35 Ibid

36 CEWARN Field Monitors (FM) are also sharing their reports with the national CEWER system

Another limitation of the NSC early warning system is that it relies on information from select DPCs where Peace Monitors (PM) have been hired and trained on the system. Currently, there are PMs in Trans Mara, Nakuru, Molo, Narok North and Sotik, leaving huge areas of the Complex uncovered, save for crowd sourcing and media reports.

Appreciating the fact that some communities in Mau Forests Complex are minorities, it is equally important to consider setting up and implementing an early warning and response system that tracks potential threats to these groups, threats that might ordinarily be ignored or missed by national CEWS. A starting point would be to consult and interrogate data available from Minorities

at Risk³⁷ as well as Minority Rights Group's (MRG) Peoples Under Threat³⁸.

This data further recommends that an inventory of ethnic, religious, national and political groups at risk from adverse discrimination or potential conflict in Sub-Saharan Africa should be compiled. The Ogiek Community is one such minority group at risk of adverse discrimination politically, economically and socially given its small numbers in a political system largely ascribing to the numerical strength of the various ethnic groups making up the polity.

³⁷ John, Davies, 2000, *Conflict Early Warning and Response for Sub-Saharan Africa*, Centre for International Development and Conflict Management, University of Maryland, Maryland.

³⁸ For more information about Peoples Under Threat, access this site <http://www.minorityrights.org/10744/peoples-under-threat/peoples-under-threat-2011.html>

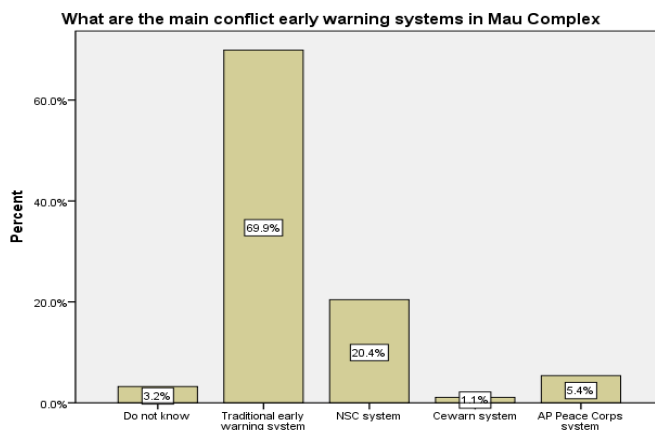
CHAPTER 4:

CONFLICT INDICATORS AND EARLY WARNING SYSTEM IN THE MAU FOREST COMPLEX

Conflict indicators in the Mau Forest Complex could generally be classified into two types: First, the traditional and/or indigenous conflict early warning indicators (traditional knowledge of predicting, anticipating and or warning of possible conflict or natural calamities). Second, the category of conflict indicators in the Complex which are the formal indicators used by the modern day communities and conflict actors to warn of possible conflicts.

In order to establish this dichotomy, the respondents were asked to state the main Conflict Early Warning System in their localities and a massive 69.9% of the respondents stated that traditional conflict early warning system is what they have been relying on. The table below summarizes the same.

Table 7: Conflict early warning systems in Mau Forests Complex

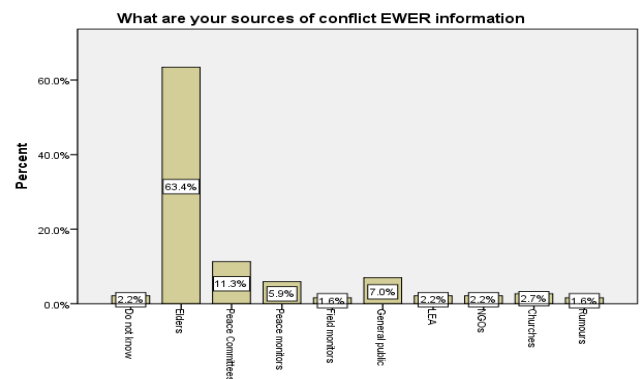


It was also noteworthy that the NSC, despite being a relatively new agency, commanded a respectable 20.4%, meaning that the Secretariat is beginning to make an imprint at the grassroots level, even supplanting the AP Peace Corps and CEWARN systems. It was expected that the CEWARN system would score poorly because the system is used to monitor conflicts in pastoralist areas of Kenya, excluding the Mau Forest Complex. It was necessary to ask such a question mainly to gauge the respondents' understanding of the concept

in the first place. The NSC early warning system could be attributed to the work of Peace Committees and Peace Monitors but all in all, the researchers observed while administering the questionnaires that indeed the respondents were not very familiar with conflict early warning systems and that is why although the traditional system scored highly, when it came to stating and or describing this system, it was difficult for the majority of the respondents, especially in FGDs to do so.

To interrogate this phenomenon further, the researchers sought to find the main sources of conflict early warning information in the complex and the following were the aggregated responses.

Table 8: Sources of conflict EWER information in Mau Forests Complex



The above graph presents a very interesting picture; the finding that local communities identified 'elders' as being the main source of Early Warning and Early Response (EWER) information, accounting for almost two thirds, or 63.4%, of the total number of sampled respondents. This response could be safely attributed to the Ogiek and Maasai communities, who still have enormous reverence for their elders, who are seen as the undisputed repository of knowledge.

This is in sharp contrast to the way the community treats information emanating from government or other 'external' sources, which is treated with a great deal of suspicion. The lowly 11.3% attribution to

'peace committees' seems to be a clear pointer to the enormous challenge that these peace committees still have to surmount in propagating and disseminating EWER information in particular and, indeed, other peace and security messages in general within the Mau Forest Complex. Similar challenges face law enforcement officers (LEAs), peace and field monitors, non-governmental organizations (NGOs) and faith-based organizations, all of which recorded less than 10% citing, as did rumours.

Nevertheless, this reality is a wake-up call for peace practitioners and policy makers to incorporate traditional information exchange and dissemination techniques, taking into account local social and demographic contexts and dynamics.

4.1 Traditional Conflict Early Warning Indicators

The following indigenous knowledge for warning of possible conflicts in Mau Complex was mainly derived from KIs with elders and discussions within FGDs that were held across the sampled research areas. It is important to note that the communities in Mau, including the Ogiek, have, to some extent, lost contact with their traditions and customs. Rapid 'civilization' brought about by the opening up of the Complex to agricultural activities and the establishment of urban centres were cited by the respondents as one of the reason why traditional conflict early warning knowledge has been eroded, meaning that it was only the few remaining elders who could state and/or describe some of the following traditional conflict early warning indicators.

-“Reading Livestock Innards”

FGDs and KIs in Nessuit, Mariashoni, Ndungulu, Narok and Ololung'a confirmed the fact that reading and/or interpreting livestock, and particularly the innards of goats, is an age-old practice of many pastoralist (including agro-pastoralists) communities in Eastern Africa for predicting and/or anticipating natural calamities such as drought or floods and conflict. Although not widely practiced in the Mau Complex mainly as a result

of the erosion of traditional knowledge as a result of development and the decreasing number of livestock (goats), many elders, including members of peace committees, interviewed opined that this system is an effective conflict early warning system that should not be ignored but instead be promoted and integrated into formal conflict early warning systems.

As was found in an early study of traditional conflict resolution mechanisms amongst the Turkana, Pokot, Samburu and Marakwet, skilled elders have the capacity to study innards of goats and be able to point out conflict indicators, including prescribing preventive measures to be undertaken by the community to avert such predicted conflicts³⁹.

Despite the apparent relative accuracy of this conflict early warning capability, the challenge remains of how seriously it will be taken by security agencies and government. The fact that many of the Mau Forest Complex community members have since embraced western civilization (religion, education and lifestyle) complicates matters further for this traditional method of anticipating conflict. Nevertheless, it is fair to demand that government respect these customs and not interfere with them, and, if anything, incorporate them in formal conflict early warning systems

-Unusual Happenings during hunting or travelling expeditions

Amongst the Ogiek and to an extent the Maasai communities, any unusual happenings, especially during hunting missions, are indicators of calamities or conflicts and should be heeded. For instance, if a gazelle, or any animal for that matter, crosses your path (in front) it is advisable to abandon that mission otherwise unpleasant happenings, including attacks by other communities or groups, could be imminent.

The Ogiek people, known to spend most of their time in the forests, are very good at climbing trees, mainly for

39 Ruto Pkalya et al, 2003, *Indigenous Democracy: Traditional Conflict Resolution Mechanisms. The Pokot, Turkana, Samburu and Marakwet communities, Practical Action, Nairobi*

gathering fruit and harvesting honey. Thus, in the event that an Ogiek suddenly falls from a tree, that alone is an indicator of a calamity that may include conflict and remedial factors should be considered immediately to avert the calamity, at least as was ably narrated by an Ogiek elder in Nessuit.

Other unusual happenings that were traditionally classified by the Ogiek as early warning indicators include, but are not limited to sudden death, especially of young people. In Tinet, an Ogiek elder told the researchers that during a hunting exhibition, it is expected that all the hunters will return safely. But if a young man develops complications and dies suddenly during such missions, it is an indicator that 'bad things' might happen to the community only the elders can perform rituals to rescue the situation.

-Birds that signify bad omen

As is the case many communities, the Ogiek, Maasai and the Kipsigis were all in agreement that traditionally, there are birds that signify a bad omen, including the possibility of eruption of conflict. Although the Maasai also pointed to the kite with a white stripe as one such bird, the owl, especially its unpleasant call, was unanimously cited by the three communities as an indicator of calamity in society that must be taken into account. When an owl lands on somebody's rooftop or compound and makes a lot of noise, this is a bad omen that must be addressed immediately by consulting the spiritual elders in community.

-Reddish coloured Moon

In Maasai Mau including Narok town, interviews with elders and peace committee members elicited that a reddish moon is seen by the Maasai community as an indicator of calamity. Such a reddish coloured moon denotes bloodshed or drought and the interviewees confirmed that the situation is already occurring in their areas, a worrying state of affairs. The good thing is that a month has passed since the interviews were conducted and luckily the 'red moon' that the researchers were told

was occurring has since passed without any calamity.

-Circumcision ceremony

Male circumcision is a prevalent cultural and health practice amongst the Mau Complex communities. Amongst the Maasai and Kipsigis, this rite of passage has long been associated with increased incidences of cattle thefts. According to KIs, after circumcision, the graduates have a cultural obligation to demonstrate that they can care and protect the community by engaging in some practices such as cattle thefts/raids. They have to demonstrate that they are now ready to assume the responsibilities of 'real men' in society through practicing livestock raiding. This cultural practice is common across the Maa speaking communities in Kenya, Tanzania and elsewhere and has been established to be one of the main sources of conflict in Isiolo Triangle.⁴⁰

It is also important to note that these circumcision ceremonies take place at specific times of the year (mainly August and December) when schools have been closed for vacations and also because of the availability of food (most cereals would have been harvested by December). This timing can in itself serve as a conflict warning.

-Spoilt Traditional beer

Being hunter gatherers, the Ogiek community prepare their own traditional beers. Among to elders interviewed in all the sampled research areas, there was unanimity that when this beer goes bad and is infested with moths, this is an indicator of a major calamity (including conflict) that merits the attention of the community in order to put in place preventive mechanisms such performing rituals or preparing themselves for any eventuality.

As the researchers kept on interrogating these traditional conflict early warning indicators, one nuance that came out clearly was the realization that the Kalenjin (mainly

⁴⁰ Isiolo triangle refers to the swathe of land straddling Isiolo, Garbatula, Samburu East and South Marsabit districts where the Borana, Samburu, Rendile and Somali communities rustle each other for livestock. For detailed analysis of conflict in this triangle, read Pkalya et al, 2009, *Conflict Dynamics in Isiolo, Samburu East and Marsabit South Districts of Kenya*, Amani Papers, UNDP/NSC, Nairobi.

Kipsigis), Kikuyu and other communities resident in the Mau Complex to some extent lost touch with their traditional conflict early warning systems/indicators. This is why most of the presented conflict or calamity indicators here are mainly derived from Ogiek and the Maasai communities. This finding should inform conflict analysts that they should pay attention to modern formal conflict indicators when dealing with such communities so as not to waste time and resources in trying to generate traditional early warning knowledge from these communities. However, this is not to rule out that these communities, including in other parts of the country, practice such traditional lore.

-Drought

Although not necessarily a traditional conflict early warning indicator, the destruction of the Mau Forest Complex has resulted in a marked and worrying decrease of water volumes in the downstream rivers and water points. During the dry spell and especially in Narok County, the rivers downstream dry up forcing the Maasai herders to move upstream into the Complex in search of water and pasture. This means that the herders inevitably clash with farmers in the Complex as they seek to access water and pasture for their livestock. Therefore, whenever there are signs of drought in Narok County, this should be enough of a conflict indicator for the authorities and communities to take into consideration.

Perhaps this is one of the reasons why the Maasai have been steadfast in supporting efforts to conserve the

Mau Complex. In Narok North, the Peace Committee members were categorical that the Maasai herders, having felt the effects of the Forest's destruction, have threatened to evict all those occupying forest land themselves if the government fails to do so. This is a major point of concern for the peace stakeholders in the Complex that should not be wished away as a nominal threat.

4.2 Formal Conflict Indicators

In order to generate a list of formal conflict early warning indicators in the Complex, a list of probable indicators found in the literature review was generated and subjected to a field survey in the of questionnaires and the results were interesting in terms of generating an early warning framework.

The study found out that in terms of formal conflict early warning indicators, political incitement, at 20.85%, was the single most important factor that served as an indicator of conflict around the Mau Forest Complex. This was followed closely by the re-emergence of Morans⁴¹, an increase in the number of IDPs, security escorts and rivalry between political leaders. The five main conflict indicators mentioned above dwarf other factors such as leaflets, secret oaths, the closure of markets, demonstrations, illegal groupings and the proliferation of small arms. Indeed, rivalry between political leaders is particularly unique as it serves to reinforce political incitement, a precursor to 'hate speech'.

41 Morans refers to a generation (or a group) of young warriors aged between 12 and 25 years, who have reached puberty and have been circumcised as part of a right of passage into a particular age-set. This practice is common amongst the Maasai and to an extent the Ogiek communities in the Complex.

Table 9: Conflict Indicators in the Mau Forests Complex

Conflict Indicators¹	R1	R2	R3	R4	Total	Average
Political Incitement	79	2.2	0	2.2	83.4	20.85
Resurfacing of Morans	1.6	23.7	22.6	17.7	65.6	16.4
Leaflets	2.2	3.8	2.2	5.4	13.6	3.4
Clandestine Oathing	1.6	15.1	1.1	1.1	18.9	4.725
Demonstrations	1.1	0.5	2.2	2.7	6.5	1.625
Increasing IDPS	5.9	8.1	8.6	4.8	27.4	6.85
Security Escorts	1.1	11.8	2.7	10.8	26.4	6.6
Closure of Markets	2.7	3.2	4.8	0	10.6	2.65
Illegal Groupings	0	4.3	4.8	7	16.1	4.025
Rivary between politicians	0	10.8	7	4.2	22	5.5
Proliferation of SALW	0	7	9.7	3.8	20.5	5.125
Not Applicable	0	4.2	27.3	38.2	69.7	17.425
Do not know	4.8	5.4	7	2.1	19.3	4.825
Total Percentage						100

Gender and Conflict Indicators

Analyzed in terms of gender, the same results were obtained. Both men and women consider political incitement as the main conflict indicator in the Complex. The table below illustrates this.

Table 10: Main Conflict Indicators in Mau based on Gender

	Gender		Total
	Male	Female	
Do not know	8	1	9
Political incitements	90	57	147
Resurfacing of morans	0	3	3
Leaflets	3	1	4
Clandestine oathing	3	0	3
Demonstrations	2	0	2
Increasing IDPs	6	5	11
Security escorts	0	2	2
Closure of markets, schools	5	0	5
Total	117	69	186

Out of 69 women respondents, 57 or 82%, ranked political incitement as the key conflict indicator that communities and other peace stakeholders should always be looking at in order to forestall conflict in the Mau Forest Complex. Similarly, 76% of the male respondents agreed with the women by indicating that political incitement is the main conflict indicator in the Complex.

To contextualize these conflict indicators, the following section describes in a more detailed and specific fashion the various formal conflict indicators as found out by the study. This analysis is based on both the quantitative (SPSS) as well as qualitative (interpretations derived from FGDs and KIs) data analysis.

4.2.1 Political Indicators

-Clandestine Political Activities/Incitements

The residents of Mau are concerned that political activities and/or incitement constitute the greatest threat to peace and as such, every effort must be made to monitor politicians and other groups both in public and in their clandestine activities. Words, either directly or disguised as idioms or proverbs, should be monitored whenever there are political activities ongoing including any clandestine political meetings, especially as the country moves closer to the 2012 general elections. Such political incitement is also common whenever the government becomes firm in its conservation efforts.

-Open hostilities or rivalry between politicians

Closely related to political incitement is the rivalry between politicians from the different communities in the Mau Complex as well as differences in opinion between politicians at the national level. For instance, when the

Maasai and Kipsigis politicians disagree in public in their respective constituencies or in joint meetings, it is an indicator that relationships between communities are poor and conflict between their supporters (read communities) might occur if preventive measures are not taken.

-Presence of IDPs

From the discussions held with different groups in the sampled areas, respondents were unanimous that the emergence or continued presence of IDPs in the Complex is a conflict early warning indicator. When some people are internally displaced either as a result of evictions for the purposes of reclaiming “forest” land or politically instigated conflicts then that is enough of an indicator to show that the situation is poor and any continued increase in the number of IDPs could trigger inter-community conflicts. As was witnessed during the post election violence in Kenya in 2007/2008, communities whose kin had been displaced from other parts of the country often retaliated by evicting perceived rival communities. The Waki report details how for instance the Kikuyu in Naivasha and Nakuru were angered by the evictions of their tribesmen from the Rift Valley and other places. They retaliated by evicting non-Kikuyu in Naivasha and some neighborhoods in Nakuru town⁴².

4.2.2 Social and Cultural Indicators

-Presence of Morans/Large Numbers of Youths

Morans are the warriors or youth of a certain age bracket amongst various pastoralists’ communities and more specifically the Maasai in the Mau Complex. In Mau, and wherever unusually large number of warriors or youth are seen converging on a place, it denotes a possible threat to security in that locality. Although Morans are a permanent feature of some communities, such warriors may also be mobilized to attack other communities or stir up trouble in a locality, therefore every effort must be made to differentiate normal activities of Morans and unusual activities of such groups that might denote trouble. This is why a significant proportion of the respondents, 16.4%, opined that unusual activities of

Morans are indicators of conflict, second only to political activities/incitement.

-Secret Swearing-in ceremonies

Secret swearing-in activities, ceremonies or rituals are other notable conflict early warning indicators in Mau Complex. Most of the communities, especially those living along or near the forests are known to conduct some rituals that are meant to “bind” the communities to a given course that is normally presented as protecting their land, identity and heritage. Closer examination reveals these oath-taking ceremonies to be a means for preparing communities for war and, as such, should be monitored accordingly.

-Closure or abandonment of social facilities

Although this was not included in the questionnaire, FGDs and KIs in all the sampled locations also added the abandonment or closure of social service facilities as another key conflict indicator in the Mau Complex. In Ololunga’, the researchers interviewed various people including a teacher who said that whenever there are tensions in the region, parents take precautions by not sending their children to school. The same can be said of other service facilities like health centres. In short, abandonment or closure of schools and health facilities is an indicator of conflict in society and should also be monitored and reported.

-Increasing incidence of cattle thefts

CSO personnel working in the Mau Complex as well as members of DPCs pointed to the fact that cattle theft is an increasingly common feature of crime in the Mau Complex. However, they noted a trend whereby an unusual increase in the incidence of cattle thefts directed at a particular community is significant. Such cattle theft has been followed by inter-communal violence, which has been seen in a number of locations such as Mwisho Wa Lami, Likia, Ololunga and Nessuit

An increased incidence of cattle theft is also registered in the months between September and December, the period the Kipsigis and also the Maasai circumcise their boys. It is suspected that such incidents are due to the demonstration of the passage from childhood to

⁴² Waki Report (Referenced in Bibliography)

adulthood as described elsewhere in this report. In other words, the nature and frequency of cattle thefts in the Mau Complex is another important conflict early warning indicator that should be monitored and reported.

4.2.3 Security Indicators

-Small Arms and Light Weapons

Cases of communities or groups arming or rearming themselves with small arms, light weapons or any other crude weapon should be treated as a serious indicator of conflict. It should be treated as such especially in the Mau Complex where communities, especially those who have been evicted, still harbor grudges against those who are perceived to have either supported, instigated or benefited from the evictions. Monitoring, including using intelligence, of arms movement including the manufacture and distribution of crude weapons such as bows, arrows and homemade guns would therefore be one of the most important conflict monitoring systems.

-Demand for security escorts

When communities start demanding security escorts for vehicles plying certain routes in the Mau Complex or when security agencies recommend that vehicles be escorted by armed security personnel, this is an indicator of insecurity in an area. As a conflict indicator, peace actors should be encouraged to monitor and report, in a timely fashion, such emerging needs for security escorts.

-Emergence of illegal groupings/gangs/organized crime

The emergence and/or presence of organized groups whose objective is to commit crimes along ethnic or political lines denote imminent violence in a region. This is what respondents in the Mau Complex recommended as one of the conflict early warning indicator that should be monitored and reported. However, every effort should be made to differentiate such organized groups and morans who are performing a cultural rite of passage.

-Leaflets

Leaflets are other conflict indicators that should be monitored in the Mau Complex. Although not a very common phenomenon, the possibility of leaflets being

distributed to incite communities against each other should not be ruled out and should also be monitored.

-Media

In addition to the leaflets and although not one of the early warning indicators surveyed, the media, and more specifically the local vernacular media is another known vehicle for stoking violence and animosity between communities. The vernacular media outlets therefore merit monitoring in order to report any form of communication or information that might count as conflict early warning indicators. Despite this perceived negative role of the media in fanning conflicts, this study is mindful of the media's potential in preventing conflicts by acting as a conflict early warning mechanism. The media can be used to warn communities of impending conflict

-Demonstrations

Despite not being a common feature of rural areas in Kenya, public demonstrations are increasingly becoming one of the popular ways of registering and communicating grievances in society. Even the Kenyan constitution provides for picketing, so long as such processes are not violent or an inconvenience to other Kenyans. Wherever demonstrations are planned or held in the Mau Complex, this will be an indicator of an issue that needs to be addressed, otherwise concerned groups or communities might clash. This is why it will be important to keep tabs on and report any form of demonstration (especially at the planning phase).

4.2.4 Economic Indicators

-Closure of markets

Markets are public places where people converge for the purpose of trade and other economic activities. During peace time, markets are full of people of different ethnicities or political orientations and the volume of trade transacted in such markets is an indicator of peace in that particular society. This means that an inexplicable low turn-out or volume of trade and, in extreme cases, complete abandonment or closure of such markets is an important indicator of imminent conflict which is why this study recommends that economic activity be closely monitored and reported to the appropriate authorities.

CHAPTER 5:

CONCLUSIONS AND RECOMMENDATIONS

5.1. CONCLUSION

It is the considered opinion of this study that the Mau Forest Complex is a natural resource that the government, private sector and communities not only within the Complex, but also in all the areas served by this important water tower have high stakes invested in it. It not only defines the livelihoods of the hundreds of thousands of people in the Complex as well as downstream communities, but it is also an important source of raw materials for a number of industries that deal with timber, cereals, livestock and other supplies.

Similarly, conflicts in the Mau Complex are, as the name suggests, complex. The nature, dynamics and manifestation of conflicts in Mau vary greatly and depend on the ethnic or political orientation of the narrator. Nevertheless, classifying conflicts in Mau as land related is simplistic, as it does not take into account other proximate and trigger factors of conflict in the Complex, particularly the politicization of various land allocation exercises that ended up benefiting politically connected individuals, civil servants and communities. The net losers in this quagmire have been the indigenous Ogiek people as well as others like the Maasai, especially in Maasai Mau.

Closely related to the botched attempts to resettle the Ogiek people in various locations in the Complex is the whole question of who is really an Ogiek? In interviews conducted with members of the public in the Complex, this question kept on cropping up, especially when it became clear that the government might finally decide to resettle or compensate the Ogiek; under the understanding that they are not only indigenous to the Complex as well as other forest lands in the country but have also lived a lifestyle that is compatible with forest conservation. Unpacking this question by way of identifying the real Ogiek appears to be a plausible

exercise to contemplate.

One opinion that came out clearly during the field survey and interviews is that a vast majority of the Mau residents agree that the forests in the Complex should be rehabilitated and conserved. The only point of divergence seems to be the way the government carried out the evictions, without any regard to people's livelihoods right to an explanation. This was the aspect of the forest conservation efforts that gave rise to the most tensions, inter-community hatred and threats of violence in the Complex.

In order to address the problems in Mau, and more importantly to take the conservation efforts to a higher level, the government should be firm but also provide space for dialogue and consultations on how to go about the exercise. There are many channels available for consultation with the grassroots and every attempt must be made to utilize them.

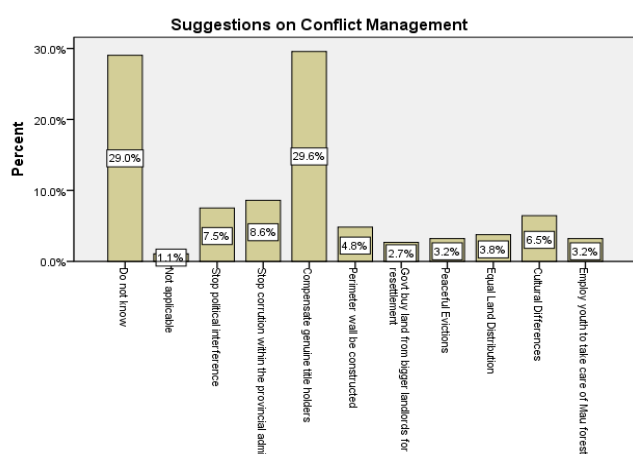
Given that the evictions have led to a deterioration relationships between communities in the Complex, setting up and implementing a conflict monitoring, early warning and response mechanism is an overriding priority. This is especially apparent as the country inches closer to the next general elections scheduled for 2012 where it is feared that ill-intentioned elements might exploit the electioneering process in order to settle old scores that may revolve around land ownership and access in the Complex. Nevertheless, the problems in Mau are complex, deep rooted and are far from being addressed and that is why every effort should be expended towards addressing this time bomb.

5.2 RECOMMENDATIONS

This section presents a number of recommendations geared towards implementing a conflict early warning and monitoring system and preventing conflicts in the Mau Forest Complex. The recommendations have been compiled from the findings of the field survey (questionnaires) as well as qualitative interpretation of recommendations made during FGDs and KIs.

Asked to choose from a list of possible interventions for preventing further conflicts in Mau Forests Complex, the following responses were tabulated.

Table 11: Conflict Management in Mau Forests Complex



Surprisingly, a large number of respondents, 29%, responded that they do not know what needs to be done to prevent and resolve conflicts in the Complex. Perhaps this is a group of people who are not convinced of the efficacy of the listed suggestions. Nevertheless, this study makes the following key recommendations:

5.2.1 Recommendations for establishing and implementing a CEWER System in Mau Forest Complex

-Identify and establish a network of Conflict Monitors

To implement the CEW system in Mau, OPDP should establish a network of grassroots organizations or individuals who will be collecting the EW information as per the conflict indicators identified (conflict monitors). CBOs, DPCs, OPDP Members, volunteers, chiefs and schoolteachers are some of the people who could play this role. As a matter of precaution and where necessary, the conflict monitors should be protected against

elements in society who might turn against those individuals “for leaking plans/strategies and being traitors”.

-Training and enhancing the capacity of the Conflict Monitors

Having identified the conflict monitors, the next step should be to train them on the conflict early warning system and, more specifically the conflict indicators they will be monitoring and reporting on. Training on generating situational reports, alerts and recommendations should also be incorporated in the training and capacity building plan for the system.

-Engender EWER System

There is no doubt that women play a critical role in conflict early warning. Although most of the conflict actors are men, women can easily tell when their husbands, sons and/or brothers are planning conflicts. When men suddenly disappear in a village, it is the women who would be the first to notice such an anomaly. Political incitement has been found to be a leading conflict indicator in the Complex. Most of the political discussions that are meant to incite communities against each other are held in places where women are present, especially in the home. Therefore, an attempt must be made to ensure that women play a critical role in gathering and disseminating conflict early warning information to the relevant authorities.

-Link the Mau Complex CEWS with other CEWS

To strengthen the credibility of the CEWS for Mau, it will be vital for OPDP to ensure that the nascent system is linked with the NCEWERS hosted at NSC including collaborating and liaising with the various PMs and DPCs supporting the national system. This will improve efficacy and widen the sources of information for CEWS and response.

-Designate a member of staff to manage the CEWER system.

For the system to be fully functional and operational, OPDP should designate a programme officer to be in charge of the CEWER system. This staff member will be in charge of collecting, collating and analyzing conflict early warning data and disseminating (through alerts, sit. reps.) the analyzed information to a wide range of actors particularly the DPCs, NSC, Security Personnel and the Provincial Administrations (for the period this system of administration will be in existence) for response.

-Strengthen linkages between communities and

government agencies

Any early warning mechanism depends to a large extent on its response capacity. The government agencies, particularly the Police and Local Administration, play key roles in preventing and managing conflicts in Kenya. It therefore follows that an effective conflict early warning and response mechanism should network and be linked with such government agencies including strengthening links with communities (community policing) for the purpose of information sharing and coordinated responses.

-Fundraise for Response Capacity within OPDP

Conflict early warning information is useful inasmuch as it elicits an early response. In order to carry this out OPDP should identify and build a rapport with state and non state Rapid Response Funds such as the one managed by NSC and NCIC (Uwiano Peace Platform). For this system to be effective it should tap into these early response funds including fundraising for a response facility within OPDP that will be easily accessible and disbursed wherever the need arises in the Mau Complex.

5.2.2 Recommendations to address conflicts in Mau Complex

In addition to setting up an operational CEWER system in the Mau Complex, the following are recommendations that seek to address the structural, proximate and trigger factors of conflict in Mau.

- It is recommended that the government should initiate consultations with the various communities in the Mau Complex before undertaking any future forest conservation initiatives. Where applicable, the government should engage with traditional institutions and elders in order to build consensus on a conflict sensitive forest conservation programme.
- To prevent future flare-ups or eruption of conflicts in the Mau Complex, the government should go ahead and meet its side of the bargain by compensating land owners with verifiable documents. The Mau Task Force Report recommends that only those with genuine title deeds be compensated. From the study, it was evident that those who actually have genuine title deeds are the elites of the Kenyatta, Nyayo

and Kibaki regimes. They are people who were very well-connected and probably corrupted the system to obtain the 'genuine' land documents. For 'ordinary people', although ignorance is no defense, the process of obtaining genuine titles was corrupt and expensive forcing a good number of them to abandon the process. Many more bought land in Mau after selling their own small pieces in their 'native' districts and were not able to differentiate genuine from fake titles. Since these people have been living in the 'forest' land for a long time with government knowledge, this study recommends that it would only be fair and conflict sensitive to compensate and/or resettle all land owners in Mau, as long as they could produce verifiable land documents. To rein in corruption and impunity, the government should arrest those who sold land to unsuspecting Kenyans using fake documents and, where possible, enforce them to compensate the poor Kenyans they defrauded.

- Forest conservation should be a national effort and not seen as an isolated case of targeting and punishing a given group in society for political or other reasons as the case of Mau has been erroneously understood. To demonstrate that the process is not targeting the Kipsigis, Kikuyu, Maasai or Ogiek, the government should move nationally and initiate simultaneous efforts of forest land reclamation and reforestation.
- There are huge tracts of land in the Mau Complex that are owned by key people in both previous and current governments as well as absentee landlords. In order to spare ordinary folk the hardships associated with evictions, this study recommends that the government should use powers conferred to it by the constitution to appropriate or buy land from these big and absentee landlords and plant trees to increase forest cover in the Mau Forest Complex. It is the considered opinion of this study that these big landlords cumulatively own huge tracts of land compared to the peasants who were allocated 2.5 or 5 acres and a large amount of forest land could be reclaimed if the government spares the small fry.

- The government should also profile big landlords in Mau, including those who rapidly disposed of their share of the spoils to unsuspecting Kenyans using fake documents in order to name and shame them. This will unmask claims made by the politicians and land grabbers that ‘our people’ are being targeted-when in actual fact the majority of the beneficiaries are key people in previous as well as current regimes.
- The government should also demarcate clear boundaries of forest land to avoid re-encroachment. Where forest land has been recovered and or evictions undertaken successfully, the government should deploy KFS wardens to protect forest land by making sure that people do not cross the “boundary”, i.e. the cutline, for purposes of encroachment. Consultations should be initiated with the Ogiek community to allow them access to the forests for bee keeping, accessing medicinal plants and their cultural/sacred sites.
- Who is an Ogiek? Many claim to be an Ogiek; a perceived password to access and utilize the forest resources in Mau. There is a need to clearly profile and register (census) all the genuine Ogiek. The Ogiek Census that was undertaken by the government, in collaboration with OPDP in Mau, should be concluded and made public. Genuine Ogiek could then be considered for compensation or resettlement in locations close to the forest. The habitats they have lived in for generations.
- The government should also involve communities in forest conservation efforts. Mau is an important water tower not only for the country but also for neighbouring countries, including tourist attraction sites like the Mara and Serengeti. Consequently, it will be prudent for the government to include all the direct and indirect beneficiaries of Mau Complex in the conservation efforts.
- There is also the need to demystify some age-old cultural stereotypes that tend to encourage and legitimize occupation of forest land in the Mau Complex. For example, amongst the Kipsigis, it is alleged that one of their Orkoyiot (prophet) prophesized that when a Kipsigis will finally lie down to rest, his head will be in Trans Mara, stretching his hand all the way to Naivasha. This prophecy has been used to justify the Kipsigis continued exodus into various parts of Narok and Nakuru Counties, stepping on the toes of other communities in the process.
- Hate speech was cited by many respondents in the FGDs and KIs as one of the factors that trigger conflict in Mau. As such, this study recommends that NCIC should crack down on hate speech (especially by politicians).
- There is also the need for OPDP as well as other Civil Society Organizations to lobby for the speedy establishment of the National Land Commission to address any attendant land issues not only in Mau but also in many parts of the country. Land continues to be an emotive issue in Kenya and every effort must be expended towards addressing this monster that keeps on rearing its ugly head whenever there is an election.
- Now that the country is preparing itself for a devolved governance system after the next general elections, most of the decisions affecting citizens will be made at the County level, so it is only fair for marginalized and minority groups such as the Ogiek, to be assured of political representation at those levels. OPDP might consider petitioning the Central as well as County Governments to clearly define minority groups for the purposes of designating special political seats for them.

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