EXPLORING THE FEASIBILITY OF RESTORATIVE JUSTICE IN RESOLVING INTER-ETHNIC CONFLICTS IN BARAGOI SUB-COUNTY, 2010-2020

by

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EXPLORING THE FEASIBILITY OF RESTORATIVE JUSTICE IN RESOLVING
INTER-ETHNIC CONFLICTS IN BARAGOI SUB-COUNTY, 2010-2020

I declare that this thesis is my original work and has not been submitted to any
other college or university for academic credit.

Signed: Date: _____

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LIST OF ACRONYMS AND ABBREVIATIONS

ACC	Assistant County Commissioner
CBO	Community-Based Organization
DU-ERB	Daystar University Ethics and Review Board
FGD	Focus Group Discussion
KPR	Kenya Police Reservists
MCA	Member of County Assembly
MP	Member of Parliament
NACOSTI	National Commission for Science Technology and Innovation
NCIC	National Cohesion and Integration Commission
NGO	Non-Governmental Organization
UN	United Nations

ABSTRACT

Violent conflicts contribute to the deaths of millions of individuals in the world annually. In Kenya, the pastoralist communities in the country report several incidences of violence mainly caused by inadequate resources. Notably, Baragoi Sub-County is affected by frequent inter-ethnic conflicts, which impact the region's development and security. The study sought to determine whether restorative justice as a conflict resolution mechanism can help to resolve the inter-ethnic conflicts in Baragoi Sub-County. Three specific objectives guided the study; to analyze the causes of conflict in Baragoi Sub-County, examine the past interventions used to solve the conflict in the area, and explore the feasibility of restorative justice in resolving inter-ethnic conflicts in this region. Data was collected qualitatively utilizing data collection instruments such as guides for Focus Group Discussions (FGDs), interview guides, and observation checklists with a sample of 79 individuals obtained through a combination of non-probability sampling and stratified sampling techniques. The study's findings revealed that conflict in the area is caused by a combination of factors such as scarce resources, cultural factors, and the infiltration of illegal arms. However, the past interventions, which were top-bottom in nature, had not effectively resolved the conflict. Therefore, while restorative justice may work in Baragoi Sub-County, it would be difficult to fully implement the tenets of restorative justice due to the bitterness harbored by the two communities. Hence, the study recommends contextualizing the pillars of restorative justice to foster healing and restoration instead of labeling the communities as either victims or offenders.

CHAPTER ONE

INTRODUCTION AND BACKGROUND TO THE STUDY

Introduction

The first chapter of this study provides the background of the conflicts in Baragoi Sub-County and its impact on both the Samburu and Turkana communities at the center of the conflict. It also provides a history of the conflict and the effects experienced in the region. Additionally, the problem statement, objectives that formed the basis for the research, research questions, the rationale and significance of the study, and assumptions made regarding the study are provided. The chapter also indicates the scope of the study and the limitations and delimitations of the research. At the end of the chapter, the definitions of the terms used in the paper are outlined.

Inter-ethnic conflicts affect the global, regional, and domestic systems, influencing foreign policies and international relations. Notably, the legitimate state boundaries may be affected by the demands of ethnic groups, such as attempts for secession (Najafov, 2017). In addition, countries with recurrent intrastate conflicts are characterized by extreme poverty, low economic growth, underdevelopment, and political precariousness. As a result, some of the tenets of human security, such as economic security, national security, individual security, and political security, are affected.

This study focused on the Samburu and the Turkana communities in Baragoi Sub-County, who have been involved in a series of violent conflicts that date back to the 1960s. Despite the long-standing contention that began decades ago, the study mainly focused on the period between 2010-2020 as a basis for the research. The main argument presented in

this research is that past retributive, government-led interventions have not been effective in establishing lasting peace in Baragoi Sub-County. Notably, the past interventions, which were top-bottom, focused on punishing the offenders rather than restoring relationships; thus, creating more tension between the communities and further escalating violence in the area. Therefore, this study explored whether restorative justice, as a reconciliation tool, can help resolve the existing inter-ethnic conflicts in Baragoi Sub-County.

In view of this, the study examined the mechanisms of restorative justice, such as mediation between the victims and the offenders, with the involvement of their community as opposed to punishing wrongdoers in retribution. In particular, the study aimed to determine whether the tenets of restorative justice, such as restoring broken relationships by addressing the needs of the community, the offender, and the wrongdoers, could work in resolving the conflict in Baragoi Sub-County. Therefore, the study examined the efficacy of the bottom-up approaches to justice rather than top-down mechanisms. In particular, a set of traditionally accepted restorative justice methods towards achieving lasting peace in the area were examined.

Background of the Study

Conflicts are mainly attributed to the scarcity of resources, which sparks disputes among and within states. Some of the effects of conflict on states include political, social, and economic instability, the loss of lives, property damage, forced migrations, and poor development. For several years, the world has witnessed many conflicts that affect countries both directly and indirectly. The 1st and the 2nd World Wars, in particular, shaped the approach to global security, leading to the establishment of the United Nations (UN) to act as a watchdog and to prevent the occurrence of more wars in the world

(Forsythe, Coate, & Pease, 2013). The establishment of the UN provided hope that conflicts would cease and stability will be achieved globally. However, several years after establishing the UN, most countries still experience intense conflicts, which have led to the loss of millions of lives and the destruction of property (Koubi, Spilker, Böhmelt, & Bernauer, 2014). For instance, the ongoing conflict in Nagorno-Karabakh in Asia between Armenia and Azerbaijan has contributed to the economic instability of the two countries and the Caucasus region (Grigoryan & Khachatryan, 2020). The beginning of the war is linked to the diplomatic challenges witnessed after the collapse of the Soviet Union, with Armenians seeking self-determination and independence from Azerbaijan; therefore, causing inter-ethnic conflicts in the region (German, 2012).

Africa is also cited as a continent of frequent wars and instability, mainly attributed to the influence of the colonial powers, which contributed to divisions within the continent (Aremu, 2010). Intrastate conflicts manifest in inter-ethnic conflicts that mainly arise due to ideological differences between communities, historical injustices, the perception of discrimination, inequality in governance, political differences, and communal differences (Newman, 2011). According to Maiangwa (2016), inter-ethnic conflicts in Africa are characterized by inadequate resources and the strive for power, such as in the Biafra War between the Igbo and Hausa, which engulfed Nigeria shortly after the country gained independence.

Some of the notable inter-ethnic conflicts in Africa include the Rwandan Genocide of 1994, which occurred due to differences between the Hutus and the Tutsis, and later escalated with the strive for political power following the death of President Juvenal Habyarimana (Smeulers & Hoex, 2010). Additionally, according to Mengistu (2015),

conflict triggers such as cattle rustling incidences, violent crimes, targeted killings against members of another community, and the strive for autonomy and superiority over the other communities contribute to the high incidences of intrastate conflicts in Africa.

In Kenya, inter-ethnic conflicts are mainly attributed to political differences, such as Kenya's Post-Election Violence (PEV) of 2007-2008, where targeted killings and property destruction were directed against certain ethnic groups (Johnson et al., 2014). Notably, the Kalenjin and the Kikuyu communities were involved in these conflicts, whereby the Kikuyu were being evicted from the Rift Valley (Sithole & Asuelime, 2017). In retaliation, members of the Kikuyu community evicted the Kalenjin and their political supporters from the Central region, creating a cycle of violence that came to an end with the formation of a coalition government. Other communities involved in conflicts against each other in Kenya include the Pokots, Turkanas, Samburus, and Maasais. The conflicts in these communities are mostly linked to competition for scarce resources such as pasture, land, and water, which promote insecurity in these regions (Mahmoud, 2011). Studies by Bond (2014) in Laikipia County, Osamba (2000) in North-western Kenya, and Mkutu (2003) in the Kenya-Uganda border indicate that inter-ethnic conflicts are caused by resource scarcity, cattle rustling incidences, and increased proliferation of small arms, respectively.

In Baragoi Sub-County, the intractable conflict between the Turkana and Samburu communities is attributed to several factors such as competition for scarce resources, political differences, and marginalization. Baragoi Sub-County is a semi-arid area in Samburu County, with a majority of the population being pastoralists (Okumu, Bukari, Sow, & Onyiego, 2017). For decades, Baragoi Sub-County has been characterized by a

series of violent conflicts between communities, leading to the loss of lives and the destruction of property. Olofsson and Bornengo (2018) state that the Sub-County is characterized by underdevelopment, extreme poverty, high illiteracy levels, insecurity, and scarce resources, all of which contribute to food insecurity. Most residents in Baragoi Sub-County rely on subsistence farming to sustain their livelihoods. However, famine, drought, and unpredictable rainfall patterns contribute to food insufficiency, causing competition for water, land, and pasture (Okumu et al., 2017). As a result, resource and food scarcity contributes to violent conflicts between the Samburu and the Turkana. In particular, cattle rustling incidences are rampant in the area contributing to the proliferation of arms, which further escalates insecurity in the region—additionally, the lack of clear boundaries fuels land grabbing incidences, which also spark violence between the communities.

Statement of the Problem

The intractable nature of the conflict between the Samburus and Turkanas in Baragoi contributes to instability and insecurity in the Sub-County. As a result of these incidences of violence, lives are lost, people are displaced, livelihoods are affected while the property is damaged, and facilities such as schools and hospitals are destroyed, further aggravating underdevelopment (Okumu et al., 2017). Therefore, the development efforts in the area are foiled, negatively impacting the population. The retaliatory attacks between these communities also create cycles of violence, compromising the security in the area and further widening the rift between them.

The past and existing interventions, such as the use of force and other government-led mechanisms, have not resolved the conflict. Notably, conflicts eliminated with the use of force might break out and acquire uncontrolled character. Furthermore, the use of force

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also makes it difficult for conflicting parties to reach agreements, increasing the potential for escalation. For instance, in 2012, about 42 police officers were killed in an ambush during a recovery mission following a cattle rustling incident (Shiundu, 2012). To date, numerous lives of both civilians and police officers have been lost in this region during recovery missions. Therefore, the study examined whether restorative justice can be used to reconcile the conflicting communities and bring lasting peace in Baragoi Sub-County.

Purpose of the Study

The main purpose of this study was to assess the feasibility of restorative justice in resolving inter-ethnic conflicts, particularly in the conflict between the Samburu and the Turkana in Baragoi Sub-County.

Objectives of the Study

The main objective of this study was to determine the efficiency of restorative justice as a conflict resolution mechanism in Baragoi Sub-County. The specific objectives were to: -

1. Analyze the underlying causes of inter-ethnic conflicts in Baragoi Sub-County.
2. Examine the interventional gaps towards inter-ethnic reconciliation in Baragoi Sub-County.
3. Explore the efficacy of restorative justice as a tool for inter-ethnic reconciliation in Baragoi Sub-County.

The study's overall question was, what is the feasibility of restorative justice in resolving inter-ethnic conflicts in Baragoi Sub-County? The specific research questions were as follows:

1. What are the underlying causes of inter-ethnic conflicts in Baragoi Sub-County?
2. Why have the past interventions not been effective in resolving inter-ethnic conflicts in Baragoi Sub-County?
3. Is restorative justice effective in resolving inter-ethnic conflicts in Baragoi Sub-County?

Justification of the Study

Baragoi Sub-County is characterized by recurrent conflicts that have not been mitigated successfully. While there have been numerous interventions to end inter-ethnic clashes in the area, the recurrent cycles of conflicts and violence raise concerns. Currently, the focus is placed on the government of Kenya and other international actors such as the International Security Sector Advisory Team (ISSAT) to provide security in Baragoi. There has been limited analysis of bottom-up approaches at the grass-root levels to restore relationships between the two communities and foster healing.

Although many studies have been done on the conflict in Baragoi Sub-County, the researcher did not find any scholar that has explicitly focused on restorative justice as a participatory grass-root mechanism to bring lasting peace in the area. For instance, some scholars such as Lenairoshi (2014) studied the factors that affect the conflict resolution process in Baragoi Sub-County, and Okumu (2017) examined the impacts of violence in the socio-political relations in Baragoi Sub-County. In addition, Omuse (2018) and

Changwony (2017) explored the impact of inter-communal violence on national security using Baragoi Sub-County as a case study and studied the role of Non-governmental Organizations (NGOs) in resolving conflicts in Baragoi Sub-County respectively. These, among other studies, have been done regarding the conflict in Baragoi and Samburu County, but the researcher did not identify any study that specifically addresses restorative justice in Baragoi Sub- County.

The conflict in Baragoi Sub-County is intense and has contributed to the loss of numerous lives and incidences of human rights violations. Numerous people have also been displaced in this region due to the recurring conflicts and the escalation of insecurity. Therefore, the study will contribute to the body of knowledge by providing evidence that restorative justice is a feasible intervention in inter-ethnic conflicts. The study will benefit scholarship because if restorative justice works in Baragoi Sub-County, the study results can be replicated in other communities with frequent inter-ethnic conflicts.

Significance of the Study

The conflict between the Samburu and Turkana in Baragoi Sub-County extends beyond two decades of recurrent violence. Consequently, the area frequently experiences insecurity and instability, a worsening development trajectory, and high poverty levels. Therefore, the people of Baragoi Sub-County will benefit from this study because they will have a chance to address their differences and hopefully bring about healing and reconciliation in the affected communities. Once the conflict is resolved, some issues such as under development will be addressed, the social amenities will be improved, and poverty eradicated. Other key stakeholders such as government institutions, civil society organizations, local authorities, and community leaders will also benefit from this study as

they are likely to learn new ways of dealing with conflict, particularly using restorative justice to heal the communities and restore broken relationships.

Assumptions of the Study

The study made the following assumptions;

1. The respondents will be honest in their responses to the interview questions and focus group discussions.
2. The survey instruments used will yield accurate results.
3. The results obtained from the study will be valid and reliable in contributing to the existing body of knowledge.

Scope of the Study

The study focused on the cycle of violence between the Turkana and the Samburu that dates back to the 1960s, specifically in Baragoi Sub-County. Although violence has kept recurring in this area over the years, the period between 2010 and 2020 was selected for this study, given the increased frequency and intensity of this inter-communal conflict despite the many government-led conflict resolution interventions. In addition, the area is prone to instability and violence owing to the frequent cattle rustling incidences and the proximity to the Suguta Valley, which acts as a hideout for the bandits.

Limitations and Delimitations of the Study

The study was limited by the high level of insecurity in the area, which affected the data collection process in some areas such as Tuum and South Horr. Some area residents were also hesitant to respond to the researcher, who was a stranger in the area. The language

barrier was also an issue as the researcher speaks neither Turkana nor Samburu dialects. Additionally, some respondents were unwilling to provide information regarding the conflict since they had not fully healed from its effects. Time constraints also limited the researcher as the area is remote, and the means of transport are rare and expensive.

The limitations were countered by involving the local authorities and other administrative officers in the data collection process to reduce the hostility of the residents. Additionally, two research assistants who were conversant with the area, the residents, their culture, and language were acquired to ease data collection and acted as interpreters. Besides, only the willing respondents were involved in the study to facilitate the collection of data. Finally, time constraints were avoided by clustering interviewees according to their locations and setting a time frame for each interview.

Definition of Terms

Demobilization: Denotes the steps taken to induce armed groups to denounce their status as combatants and adopt a civilian status (Knight, 2008). Demobilization in this study refers to reducing the threat posed by the armed groups by limiting their access to weapons and disbanding groups associated with acts of violence and banditry.

Disarmament: Defines collecting, controlling, and disposing of arms from the combatants and civilians (Knight, 2008). The term is used in this research to denote the efforts by government agencies to collect weapons from members of the community who are in illegal possession and use of firearms.

Feasibility: The term describes the possibility and practicality of phenomena. In this study, the term denotes the viability and efficacy of restorative justice in resolving inter-ethnic conflicts.

Inter-communal Conflicts: Refers to the conflict that exists between two or more communities (Teferi, 2012). In this study, inter-communal and inter-ethnic conflicts are used interchangeably to refer to the conflict between the communities in Baragoi Sub-County, specifically the Samburu and the Turkana communities.

Inter-Ethnic Conflicts: Signify the conflicts between two or more communities (Teferi, 2012). The main inter-ethnic conflict addressed in the study is the conflict between Turkana and Samburu in Baragoi Sub-County.

Intrastate Conflicts: Refers to conflicts that occur within a state (Sibanda, 2011). In this study, the researcher used the term to refer to conflicts within the confines of a state.

Majority Groups: Describes the individuals from an ethnic group who dominate the population because of their high numbers (Glasford & Calcagno, 2012). In line with the definition by Glasford and Calcagno (2012), the term was used in this study to refer to the dominant group in the community.

Minority Groups: Defines a group of collectively discriminated against based on cultural or physical appearances (Glasford & Calcagno, 2012). The term is used in a similar way in this research.

Mitigation: Refers to actions focused on reducing the severity of a particular thing (Mohammadzadeh, 2016). In the study, mitigation refers to the reduction of inter-ethnic conflicts, which keep recurring.

Positive Peace: Johan Galtung defines positive peace as lasting peace established through justice for all (Grewal, 2003). It extends beyond the mere absence of tensions to include sustainable peace. Therefore, positive peace in this study refers to the absence of conflicts and establishing good relations between the communities in conflict.

Recovery Missions: Recovery refers to the process in which possession of a particular item is regained. Therefore, in this study, a recovery mission denotes the process by which the stolen property is returned to the original owner.

Reparative Justice: Denotes the steps taken to repair the harm done to the victims due to the injustices committed against them (Messmer & Otto, 2013). In the study, the term refers to the practices involved in correcting the wrongs committed against victims.

Restitutive Justice: The term implies the compensation given to a victim for the harm inflicted upon them by the offender (Messmer & Otto, 2013). Therefore, the concept of restitutive justice is used in the study to refer to practices aimed at compensating the victims for the harm inflicted upon them.

Restorative Justice: Refers to the reconciliatory efforts to rehabilitate the offenders with the victims and society (Zehr, 2014). In this study, restorative justice refers to the mechanisms used in conflict resolution that include the victim, the offender, and the community to restore broken relationships and foster healing in the community.

Retributive Justice: Implies the punishment given to an offender for breaking the law and inflicting harm on the people. In retributive justice, the punishment should equal the offense (Messmer & Otto, 2013). Therefore, in this study, the term refers to how offenders are punished so that the punishment is proportional to the offense committed through lawsuits and legal processes such as arrests and prosecutions.

Top-Bottom Approaches: These peace-building processes focus on the formal institutions and the elites with short-term effects in conflict resolution (Lefranc, 2011). The term is used in this research to denote the actions by formal institutions such as governments and international organizations that use formal processes to resolve conflicts.

Chapter Summary

The chapter provides a background of the conflicts in Baragoi Sub-County that span decades of instability and insecurity in the area. Although many interventions have been used to end the conflict, none of these strategies has been effective in mitigating conflicts in Baragoi Sub-County. Therefore, the study explored whether restorative justice as a participatory grass-root mechanism can help mitigate the inter-communal conflicts in Baragoi Sub-County. It also highlights the objectives, assumptions, scope, and significance of the study. Chapter two examines the existing literature on both inter-communal conflicts and restorative justice peace-building mechanisms.

CHAPTER TWO

LITERATURE REVIEW

Introduction

The chapter entails a review of the existing literature in line with the research topic and provides a conceptual framework of the expected findings in the research. The chapter is divided into the theoretical framework, the general literature review, and the conceptual framework. First, the theoretical framework provides an overview of the theories of peacebuilding and outlines the causes of the conflicts. Secondly, the general literature review regarding restorative justice as a tool of reconciliation and the causes of inter-communal conflicts is provided to contextualize the research. Secondly, an empirical literature review is provided, with specific case studies on restorative justice in conflict, the causes of inter-ethnic conflicts, and the interventions used to end these conflicts. Finally, this chapter provides a conceptual framework with a definition of the variables and the relationship between the variables.

Theoretical Framework

The research is anchored on Paul Lederach's theory of conflict transformation, which informs the perceptions of restorative justice. In this theory, Lederach posits that conflict transformation involves envisioning and responding to the conflict to constructively bring about change, reduce conflict, and foster justice using the social structures within the society (Lederach, 2015). Therefore, conflict transformation is a journey that begins with conceptualizing the conflict to determine the attitudes and

perceptions that would be essential in the conflict transformation process. Paffenholz (2014) states that conflict transformation is a social occurrence and is essential to transform violent practices into a peaceful existence. Hence, conflict transformation "combines a multi-actor and multi-track approach with short, medium and long-term perspectives" (pp. 13-14).

Additionally, conflict transformation theory involves analyzing the development of the conflict to understand the patterns of relationships that shape it. In particular, human relationships are at the center of conflicts as "conflicts flow from and return to relationships." (Lederach, 2015, p. 18). The theory also posits that conflict can create societal change depending on how people respond, especially if they find innovative interventional mechanisms. In a sense, conflict creates a balance by allowing people to assess and analyze the conflicts in their lives. Therefore, conflict transformation entails creating positive change, achieved through understanding the underlying issues and patterns towards improving human relationships. Miall (2004) argues that the conflict transformation theory in globalization should consider the social, regional, and international dynamics and contexts of conflict for successful conflict resolution. Therefore, this theory focuses on reducing violence and increasing justice to improve human relationships through dialogue. Hence, dialogue is an essential component in the achievement of positive change.

This theoretical framework ties in well with Johan Galtung's violence triangle, which posits that the key causes of conflict are not readily observable; therefore, they must be unearthed and exposed. He uses the term 'tip of the iceberg' to demonstrate that the most critical conflict dynamics are underneath the water and are not obvious. Galtung's

violence triangle further visualizes the interaction between structural, manifest, and dynamic factors of conflict. Therefore, he traces the fundamental causes of conflict to structural and cultural dynamics that cannot be influenced by short-term interventions (Galtung, 1990). Galtung further asserts that complex conflict scenarios can be analyzed by assessing the attitudes of the parties in a conflict, which usually becomes hostile with the escalation of conflict. Therefore, conflict resolution is dependent on the group's understanding of their attitudes towards each other. Secondly, attitude affects behavior and may cause provocations that escalate the conflict. Therefore, conflict transformation involves addressing the negative behavior to diffuse complex situations. Finally, the context of the conflict is also vital in conflict resolution as it can foster or hinder the transformation of conflict (Galtung, 1990). Therefore, an analysis of these three factors is essential in resolving conflicts.

Regarding the factors that contribute to conflict in society, Schellenberg (1996) describes social conflict as disagreements between individuals and groups. Therefore, conflict is sparked by the differences that exist within the society. In particular, diverse interests, varied identities, and attitudes contribute to the probability of conflict. Schellenberg (1996) further asserts that conflict is biological in nature and that its characteristics, such as violent aggression and the pursuit of selfish interests, reveal the desires of the individuals, which in most cases spark conflicts. Szczecińska-Musielak (2016) also argues that social relationships contribute to aggressive tension and hostility; therefore, examining social processes is vital in understanding the factors that contribute to conflict between groups. Although conflict is considered inevitable, specific social processes can be used to overcome it by adopting particular strategies such as recognizing

its existence, focusing on how to control the conflict, and what can be done to resolve the conflict (Schellenberg, 1996). Therefore, peacebuilding is a continuous process that involves the transformation of society from war to peace.

General Literature Review

The general literature review consists of the existing writings on the topic discussed. In this study, the general literature review is guided by three objectives; to analyze the underlying causes of inter-ethnic conflicts in Baragoi Sub-County, to identify past interventional gaps towards inter-ethnic reconciliation in Baragoi Sub-County, and to explore the feasibility of restorative justice as a tool for inter-communal reconciliation in Baragoi Sub-County. Therefore, in this section, the researcher will examine the existing literature related to the causes of conflict in different parts of the world, the gaps in the interventional strategies used in the past, and the efficiency of restorative justice in resolving conflicts.

Causes of Inter-Ethnic Conflicts

The instability and chaos witnessed in the world today are mainly attributed to conflicts between individuals and groups. According to Snitwongse and Thompson (2005), the end of the Cold War created the perception that peace and stability would be tenable. However, the post-cold war era has been characterized by tensions and conflicts, mainly caused by ethnic, religious, and political differences. Notably, the five main factors that cause ethnic conflicts include demographic makeup and geographical location; past legacies - before and after colonialism; histories of the parties involved; regional and international influences; and misinformed government policies regarding the relations

between ethnic communities (Snitwongse & Thompson, 2005). Furthermore, Rudolph (2015) identifies the role of ethnicities in the political arena and their ability to influence global, regional, and domestic politics. Notably, the dynamics in ethnicity changed in the 20th century when states began finding their national identities and the preservation of their ethnic purity (Rudolph, 2015). Therefore, ethnic conflicts are a component of international political discourses, and most armed conflicts in the world are caused by conflicts between communities. Examples of common ethnic conflicts are the Chechnya insurrection and the conflict between the Hutus and Tutsis in Rwanda (Mohammadzadeh, 2016).

Ethnic groups are majorly made up of people identified based on their religion, the language spoken, race, and nationalities. Tepfenhart (2013) examines the role of hostile leaders in ethnic conflicts. For example, in the analysis of the Rwandan Genocide and the conflict in the former Yugoslavia, the author reveals how state leaders assimilate or eliminate an ethnic group for their interests. In a sense, the historical experiences and political differences between the ethnic groups contribute to inter-ethnic conflicts. For instance, inequality in authoritarian governments forces oppressed groups to retaliate against the seemingly favored group, resulting in conflict between the two groups (Tepfenhart, 2013). In addition, they strive for political power among the ethnic communities also contributes to violence, as in Rwanda, between the Hutus and the Tutsis.

Taras and Ganguly (2015) examine the dynamics of ethnic conflicts using development as a basis for the argument. The authors assert that the shift from nationalism to modernism contributed to ethnic conflicts. In particular, cultural identity forms the basis of many societies globally; therefore, people prefer leaders from their ethnic communities compared to foreign rule and leadership. As a result, multi-ethnic states are the most

susceptible to conflicts. For instance, the inequality in the distribution of power creates instability, which also triggers conflict. The social distributive conflict theory also highlights the boundaries between societies, explaining why exploitation exists and how it contributes to conflicts. Therefore, conflicts caused by unequal distribution of resources can be managed through economic development accompanied by the transformation of the structures to accommodate the development and prevent inter-ethnic conflicts (Caselli & Coleman, 2013).

Tepfenhart (2013) explains how economic factors contribute to inter-ethnic conflicts. Issues such as the lack of employment opportunities, inadequate resources, and declined living standards create tensions between communities. The economic crises that contributed to violence were evident in the fall of the Soviet Union, whereby the shift from communism to the market economy caused instability hence, the occurrence of conflict. Similarly, Taras and Ganguly (2015) point to resource competition as a factor in causing conflicts. This approach posits that "in multiethnic societies, large-scale ethnic identity formation and politicization is promoted when various ethnic groups are forced to compete with each other for scarce resources and rewards." (Taras & Ganguly, 2015, p. 13). Notably, the end of the cold war brought a new dynamic to conflict, with many conflicts spiraling in Asia, parts of Europe, and Africa. Resource distribution is a significant factor causing interethnic conflicts as one group seeks to take control of the available resources. When the control of the resources falls on one group, the other groups try to infiltrate it for the equal distribution of resources (Caselli & Coleman, 2013). Therefore, conflict is not caused by one factor but a combination of factors.

Snitwongse and Thompson (2005) analyze the possible strategies that can be used to end the conflict, stating that a clear understanding of the causes of a particular conflict is essential in the mitigation efforts. In particular, conflict resolution strategies applied in one country may not work for another country due to the differences in the causes and the parties involved. As revealed in Hobbesianism, ethnic conflict is caused by selfish interests and the power struggle. State relations can also fuel conflict, as in the case of Nagorno-Karabakh in Azerbaijan, whereby unfair treatment of the communities and political alienations caused marginalization, which sparked conflict (Rudolph, 2015).

Approaches in Conflict Resolution

The analysis of the causes of inter-ethnic conflicts reveals the contribution of ethnic differences in fostering violent conflicts between communities. Therefore, conflict intervention strategies depend on the nature of the conflict. According to Kulsariyeva and Nassimova (2014), a mature civil society is vital in preventing inter-ethnic conflicts within a society. In particular, the authors highlight the failures of peace strategies meant for intrastate conflicts in solving inter-ethnic conflicts. Therefore, the authors argue that restructuring identities as building blocks for sustainable peace would be effective. More specifically, the traditional justice mechanisms are essential in solving conflicts due to the inefficient state structures (Hagg & Kagwanja, 2007). For instance, religious institutions play an essential role in mitigating conflict since they use different approaches to conflict compared to the state, which focuses on the use of force to end conflicts (Kulsariyeva & Nassimova, 2014). However, Lagho and Bonaya (2016) assert that religion can either spark conflict or bring peace in the world; hence, they propose the use of Inter-Religious Dialogue (IRD) to create lasting peace.

Community tribunals and the interventions of elders have also been used as conflict resolution mechanisms. Gebre-Egziabher (2007) links civil society organizations with the promotion and facilitation of the traditional methods of solving conflicts rather than government-led approaches, mostly retributive in nature. According to Lenairoshi, Keiyoro, and Ngunjiri (2015), conflict resolution is a collective action of society as a whole and not just a few individuals. Some civil societies involved in peacebuilding include the indigenous social institutions that foster conflict resolution by allowing the communities to solve their issues using their methods (Gebre-Egziabher, 2007). The local non-governmental organizations also contribute to effective conflict resolution as they understand the community's needs, thereby fostering peaceful reconciliation.

Le Billon and Nicholls (2007) provide recommendations on the interventions needed to end resource wars. The authors assert that the increased resource scarcity prolongs conflicts and inhibits peacebuilding efforts. Therefore, strategies such as sharing revenues, economic sanctions, and military interventions can effectively end resource-based conflicts. More generally, three main types of conflict termination instruments targeting resources have been used: "military interventions taking over the control of resource production areas from belligerents, economic sanctions against targeted belligerents and revenue sharing agreements between belligerents." (Le Billon & Nicholls, 2007, p. 613). Natural resource disputes can also be solved through engagement at different levels with actors such as mediators and using mechanisms such as the prevention of conflict, peace-building efforts, dialogue, and consensus-building (United Nations Environment Programme (UNEP), 2015).

Kasyanov et al. (2019) explore civil dialogue in preventing the occurrence of ethnic conflicts. Civil dialogue is characterized by cultural diversity by involving the state representatives, the civil and traditional institutions as subjects during the dialogue. Hence, the dialogue should involve both formal and informal structures. These dialogues effectively resolve inter-ethnic conflicts as they create a new social reality and promote the reconciliation of the interests of the groups involved in conflicts. Furthermore, dialogue between communities is essential in the formation and development of traditional cultures, which initiate the process of resolving conflicts (Chumarina, Ilina, Prishchepa, Maidibor, & Pugach, 2020)

Hagg and Kagwanja (2007) highlight the disadvantages of the justice mechanisms created by international bodies as these strategies may escalate conflicts instead of mitigating them mainly because they use top-bottom approaches in conflict resolution. The most effective strategy in managing conflicts is restoring justice and equality for both the majority and the minority groups. "Justice and reconciliation imply the need for renewed inter-identity relationships, what is referred to here as reconfiguration. Rather than being the driving force in the conflict, ethnic identities should be reconceived as important elements in peacebuilding." (Hagg & Kagwanja, 2007, p. 24). On the same note, Gebre-Egziabher (2007) posits that inter-ethnic conflicts can be addressed by promoting traditional conflict management methods and initiating development projects focused on the areas experiencing conflict to prevent the unfair distribution of resources which escalates conflicts.

Other approaches in conflict resolution include partnerships of Community Service Organizations (CSOs) with the government bodies to promote the reformation of the legal

systems, promote democracies in governance, recommend appropriate policies and foster the legislation of human rights (Gebre-Egziabher, 2007). Notably, informal institutions are knowledgeable about traditions, histories, and values; hence, they can influence clan relations effectively (Kasyanov et al., 2019). Notably, each community can solve their conflicts traditionally; however, behavior is regulated through norms and practices that guide the relationship of the individuals during disagreements. Therefore, the understanding of the diversity and interests in the communities, traditional retrogressive practices such as cattle rustling, which may spark conflict, are eliminated.

Evidently, conflict resolution strategies such as traditional justice mechanisms, community tribunals, sharing of revenues, and civil dialogue are effective interventions in ending conflicts. However, these interventions can work best in specific conflict contexts, but they may fail to work in other situations. For instance, long-standing conflict situations with the possibility of a recurrence require more participatory bottom-up approaches that focus on healing the relationships between communities to offer lasting solutions and mitigate the conflicts.

The Role of Restorative Justice in Conflict Resolution

Restorative justice is a collective process that involves the victims who tell their story of harm inflicted upon them, the offenders who accept their wrongdoing, and a community that acts as an intermediary to find healing and restoration (Zehr, 2014). Restorative justice involves rebuilding relationships by meeting the needs of the people involved to bring total healing to the community and the individuals (Johnstone & Van Ness, 2013). Some of the strategies of dealing with conflict according to the Agenda for Peace outlined by Boutros Boutros-Ghali, a former Secretary-General of the UN, include

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diplomacy, making peace, upholding peace, and peacebuilding after conflict (Boutros-Ghali, 2016). Restorative justice employs these strategies by seeking to right the wrongs committed and accounting for the needs of the affected to avoid tensions within the community.

Restorative justice is anchored on three main tenets, "the key pillars of restorative justice are encounter, amends and reintegration and the form of victim participation within these practices." (Garbett, 2017, p. 198). In the first pillar, the victims and the offenders are allowed to interact and share their experiences which is essential in rebuilding relationships and shaping the future of society. The second tenet in restorative justice is the amends, whereby the offender is required to take steps to mend their criminal behavior by apologizing to the victim, restitution, and prison sentences as agreed by the involved parties. The last pillar involves the re-integration of both the victims and the offenders into society. For the victims, reintegration entails the support to lead normal lives and support in dealing with the effects of the crime. On the part of the offenders, reintegration involves rebuilding relationships between the offender and the victims and the society (Garbett, 2017).

In most cases, justice is administered through litigation processes that involve the rule of law, court systems, law enforcers, judges, and lawyers. However, Zehr (2014) states that the criminal justice process often has certain limitations. For instance, the victims, the wrongdoers, and the community often feel that their needs are not addressed in the quest for justice. Similarly, the criminal justice system is ineffective in delivering the necessary punishment for the offenders and providing justice for the victims. In addition, Saleh-Hanna (2008) asserts that the colonial models in penal laws applied in African countries

during colonialism are incoherent with the principles of conflict resolution in the social structures of the African nations and the justice systems. Therefore, instead of bringing peace in society, the quest for justice creates rifts within the society, further escalating tensions, thereby creating conflicts (Newman, 2011). In this case, restorative justice attempts to fill the gap by offering peace and hope, usually absent in other forms of justice.

Restorative justice further offers a different view from that presented in the criminal justice process. For instance, crime is viewed as breaking the law in criminal justice, whereas restorative justice perceives it as an infringement of the existing relationships (Shapland, Robinson, & Sorsby, 2011). Therefore, the successful implementation of conflict resolution mechanisms is based on the analysis of past interventions and the comprehension of the context of the conflict and its causes. In particular, the implementation of successful conflict resolution mechanisms is dependent on the understanding of the causes of conflict, the analysis of the threats to the conflict resolution strategies, and the challenges in the conflict resolution process.

Menkel-Meadow (2007) analyzes the diverse use of restorative justice in different contexts, such as criminal violations, international law, and inter-ethnic disputes. The scholar notes that restorative justice has been effective not only in minor offenses and in non-legal set-ups such as families but also in solving the transgressions against a large group such as genocide. However, according to Garbett (2017), legal institutions such as the International Criminal Court (ICC) only give direct participation for the legal personnel engaged in the dialogue and making decisions, leaving the individuals out of direct participation. Therefore, these institutions take on the retributive approach to resolve conflicts. On the contrary, in restorative justice, the victims are involved in the conflict

resolution process, and it offers collective solutions to the problems in society (Garbett, 2017).

Menkel-Meadow (2007) further asserts that restorative justice fosters healing and reconciliation for the victims, the wrongdoers, and the community. Notably, the concepts of restorative justice emerge from the belief that the legal approaches cannot separate the offender from the offense, the delays in the justice process, retribution instead of rehabilitation of the offender, and the inability to mitigate or reduce the occurrence of crime. Therefore, "restorative justice hopes to harness the commission of wrongful acts to the making of new opportunities for personal, communal, and societal growth and transformation through empowerment of both victims and offenders in direct and authentic dialogue and recognition. It also hopes practically to reduce recidivism and reintegrate wrongdoers into more positive roles and relationships." (Menkel-Meadow, 2007, p. 164). However, the author questions the use of restorative justice to supplement or substitute the existing legal processes and the balance between the quest for justice and the pursuit of peace.

Notably, restorative justice is anchored on five principles; first, focusing on the harms and needs of the delinquents, the community, and the victims. Secondly, it is based on the principle that the victims, offenders, and the community have certain obligations in the justice process (Zehr, 2014). The third tenet is the inclusivity of the process, while the fourth principle lies in the active participation of the delinquents, victims, and the community in finding justice. Finally, restorative justice is built on the principle of seeking to do right for the wrongdoings committed. The goals of restorative justice are to reduce the probability of future offenses, use justice to bring healing and transform individuals

and society, and involve the people most affected by the crime in the decision-making process. To this end, several programs such as the mediation between the delinquent and the victim, conferencing on the family and group level, peacemaking circles, probation on the community level, and circle sentencing form part of the strategies used in restorative justice (Zehr, 2014).

Empirical Literature Review

The empirical literature review discusses the previous studies related to causes of inter-ethnic conflicts, the existing interventions in ending conflicts, and restorative justice as a reconciliation tool in inter-ethnic conflicts. In this section, the researcher will highlight the gaps in these studies and how the current research attempts to fill these gaps. Some of the studies highlighted in this section are linked with the causes of conflict, interventions, and the feasibility of restorative justice in conflict resolution.

Inter-ethnic conflicts in Kenya are caused by many factors that contribute to an escalation of violent conflicts in the country. The main factor identified is competition for resources among communities. However, both scarcity and the abundance of resources is a triggering factor for inter-ethnic conflicts. A mixed-method study conducted by Bond (2014) in Laikipia County revealed that despite the physical aspects of the conflict in Laikipia, such as scarce resources, other underlying factors contribute to the conflict in the region. Therefore, these factors are mutually reinforcing, and peace can be achieved through a targeted conflict management strategy addressing historical and macro-level influences. Although the study provided an extensive conflict context analysis in the region, the empirical research is inclined towards the Unifying Negotiation Framework (UNF) to investigate the complex natural resource situation in Laikipia county. However,

this framework is limited by the failure to highlight the individual and contextual factors which are essential in understanding complex conflict situations. Therefore, the current study applies the conflict transformation theory, which analyzes the underlying causes of conflict and promotes mechanisms that minimize violence among conflicting parties.

Opiyo, Wasonga, Schilling, and Mureithi (2012) studied resource-based conflicts in Northwestern Kenya. The primary research was conducted through key informant interviews and FGDs, whereas the secondary data was obtained from publications in key government agencies. The researchers concluded that inter-ethnic conflicts extend beyond resource scarcity to include other aspects such as economic factors, political influences, and socio-cultural factors that trigger conflicts among the pastoralist communities (Opiyo et al., 2012). Although the researchers acknowledged that the solution to resource conflict lies in developing integrated policies and strengthening local governance, extensive analysis of these conflict resolution strategies is absent in the study. Therefore, the current study fills this gap by analyzing alternative dispute resolution mechanisms, which are key in providing lasting solutions in conflict situations.

Additionally, the intensity of inter-ethnic conflicts in Kenya requires effective interventions to end the cycle of violence in the areas experiencing conflicts. Notably, Chavulimu, Bulitia, and Hamasi (2018) examined the role of stakeholders in ending inter-ethnic conflicts using a correlational survey research design. Therefore, they recommended collaboration between the national government, bodies such as the National Cohesion and Integration Commission (NCIC) and the lands commission, the elders of the communities, religious institutions, and external entities such as the British government to end conflicts experienced in Kenya. While the researchers propose narrowing stakeholder initiatives to

the community level, the study failed to highlight the mechanisms that can be applied to influence change through the local structures. Therefore, the current study examines participatory grass-root mechanisms, which can be used to mitigate conflicts between communities.

Kiplagat, Kipkoech, and Juma (2020) examined the role of NGOs in conflict transformation. The findings of the descriptive study revealed that NGOs are essential in conflict transformation as they determine the root causes of violent conflicts and develop effective strategies to mitigate the conflicts. However, the NGOs are limited by insufficient resources, the lack of commitment from the parties involved in the conflict, opposition from the state, and the complex nature of the conflicts, which further inhibit the conflict transformation process (Kiplagat et al., 2020). The empirical study is skewed towards the role of NGOs in the conflict transformation; however, little evidence is provided regarding the participation of the community in the peace process. Therefore, the current study focuses on the involvement of the victims, the offenders, and the community members in achieving lasting peace.

Zehr (2008) focuses on restorative justice in the peace-building process by examining the evolution of restorative justice in Gacaca tribunals in Rwanda and the Truth and Reconciliation Commission (TRC) in South Africa. The study is inclined to the notion that restorative justice focuses on interpersonal relationships and can be utilized as a conflict-resolution mechanism and in the promotion of peace. However, the current study applies the principles of restorative justice to achieve peace through the involvement of the victim and the offender in the justice process. According to Lloyd and Borrill (2020), restorative justice as an evidence-based intervention is more effective for victims than the

customary justice approach, given that restorative justice is intertwined with the healing of traumas and the conflict transformation process.

On his part, Oricho (2009) examines the inequality between the victim and the offender in the current cultures, asserting that society's governance structures and systems contribute to the injustices witnessed, which further complicates conflict resolution. Andrews and Daitch (2018) also posit that governments are key players in shaping the contextual factors, which prevent or escalate conflicts based on the approaches taken to manage and govern the resources in their countries. Therefore, restorative justice offers a better approach to conflict resolution through the involvement of the victims, wrongdoers, and the community in the justice process that is essential in re-building the broken relationships (Oricho, 2009). However, these studies fail to provide the importance of cooperation between the members of the community and the governance structures in the peace process. Hence, the current study highlights the participation of both the formal and the informal institutions to blend the institutional and societal approaches to solve the conflicts.

Conceptual Framework
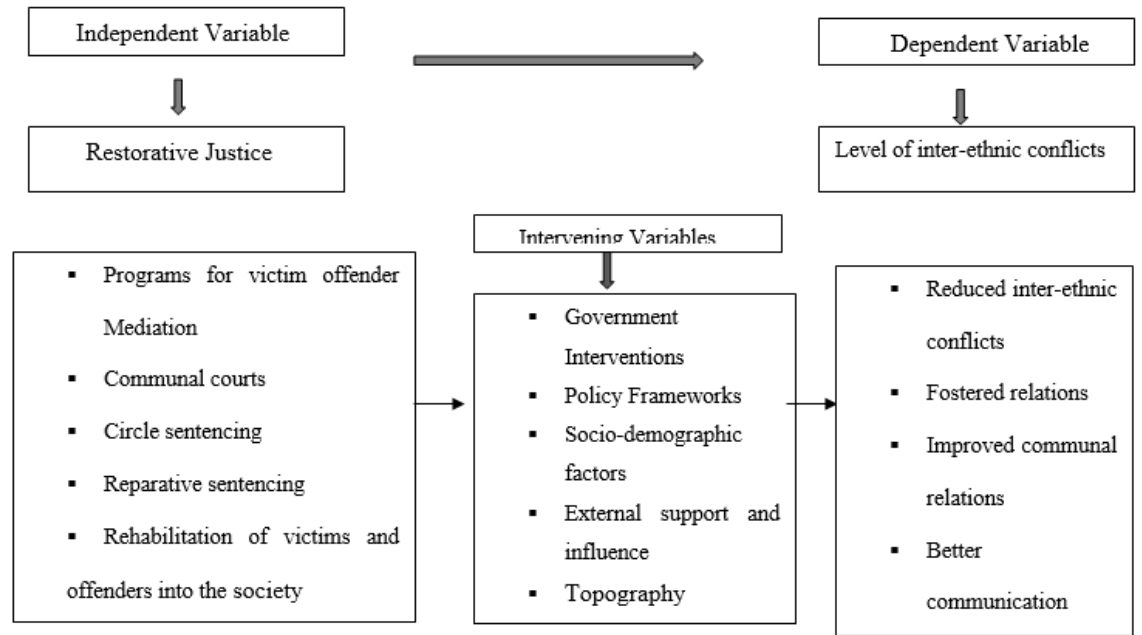
Figure 0:1 Conceptual Framework
Source: Author (2021)

Discussion

The conceptual framework provides an analysis of the relationship between variables. In this case, applying restorative justice mechanisms such as programs for victim and offender mediation will reduce the levels of inter-ethnic conflicts experienced. Other strategies such as communal courts influenced by the policy frameworks in place will result in better relations between communities as these courts will address the grievances of both the victim and the offender as opposed to the law courts, which focus on punishing the offender. Finally, the rehabilitation of the victims and the offender through external support and influence, for instance, from NGOs, will foster better community relations. Therefore, these factors are key in addressing the conflict situation as it provides participatory grass-root mechanisms that are more effective in the conflict resolution process.

Chapter Summary

The chapter covered the existing literature regarding the causes of conflicts, the interventions used to solve conflicts, and restorative justice as a tool of reconciliation in inter-ethnic conflicts. Most of the literature highlights the absence of lasting peace in most communities. Notably, the main challenge in achieving positive peace is ineffective intervention strategies to establish lasting peace. Therefore, the successful implementation of conflict resolution mechanisms is based on the analysis of past interventions and the comprehension of the context of the conflict and its causes. The chapter further explored the case studies related to the efficiency of restorative justice in resolving inter-ethnic disputes. It further analyzed the causes of conflicts in the region, past intervention mechanisms, and the gaps in these mechanisms in solving inter-ethnic conflicts.

CHAPTER THREE

RESEARCH METHODOLOGY

Introduction

This section outlines the procedures, methods, and methodology that were utilized by the researcher in the analysis of the study's objectives. It provides an analysis of the research designs, the methods, the study area, the target sample, the sample size, the sampling techniques, and the data collection instruments that the researcher used to conduct the study. It also highlights the data collection procedures, a data analysis plan, and ethical considerations applied during the research. Finally, the section focuses on responding to the research questions that guided the study, which sought to determine the underlying causes of conflict in Baragoi Sub-County, analyze the gaps in the past interventional mechanisms in solving the conflict and explore the efficacy of restorative justice in the area.

According to Kothari (2004), research involves the quest for knowledge and searching for information on a particular subject. Therefore, research methods define the techniques the researcher uses to perform the research. On the other hand, research methodology describes the systematic process whereby the researcher solves the research problem; hence it provides the steps used to study the problem and the rationale for using these methods (Flick, 2015).

Research Design

A research design facilitates the collection of the data to answer the research questions and fulfill the research objectives (Teddlie & Tashakkori, 2006). The researcher used descriptive and explanatory research designs to satisfy the objectives of the research effectively. Tshuma and Mafa (2013) state that research designs provide a blueprint of how the research will be conducted, therefore helping the researcher organize ideas in the research. Notably, an explanatory research design enabled the researcher to explain the study's aspects and successfully meet the first objective; to analyze the underlying causes of inter-ethnic conflicts in Baragoi Sub-County. Additionally, a descriptive approach was utilized to describe the situation in the ground and meet the second and the third research objectives; to examine the gaps in inter-ethnic reconciliation, and explore whether restorative justice can be applied in resolving inter-ethnic conflicts in Baragoi Sub-County, respectively. According to Walliman (2017), descriptive research design uses observations, surveys, and case studies in data collection. In this case, the research departs from the norm and predicts what can happen in the future. A descriptive approach systematically describes the phenomenon by answering how, where, when and what questions; hence, the researcher can measure and observe the variable. Powell (2006) posits that evaluation contextualizes the elements such as human factors, environmental and cultural aspects in the research. Therefore, the researcher examined these variables and provided recommendations on how the situation could be improved.

Population

The population for this study was drawn from Baragoi Sub-County in Samburu North Constituency. Baragoi borders Turkana County on the northwest, Baringo County on the South-west, and Marsabit County on the north.
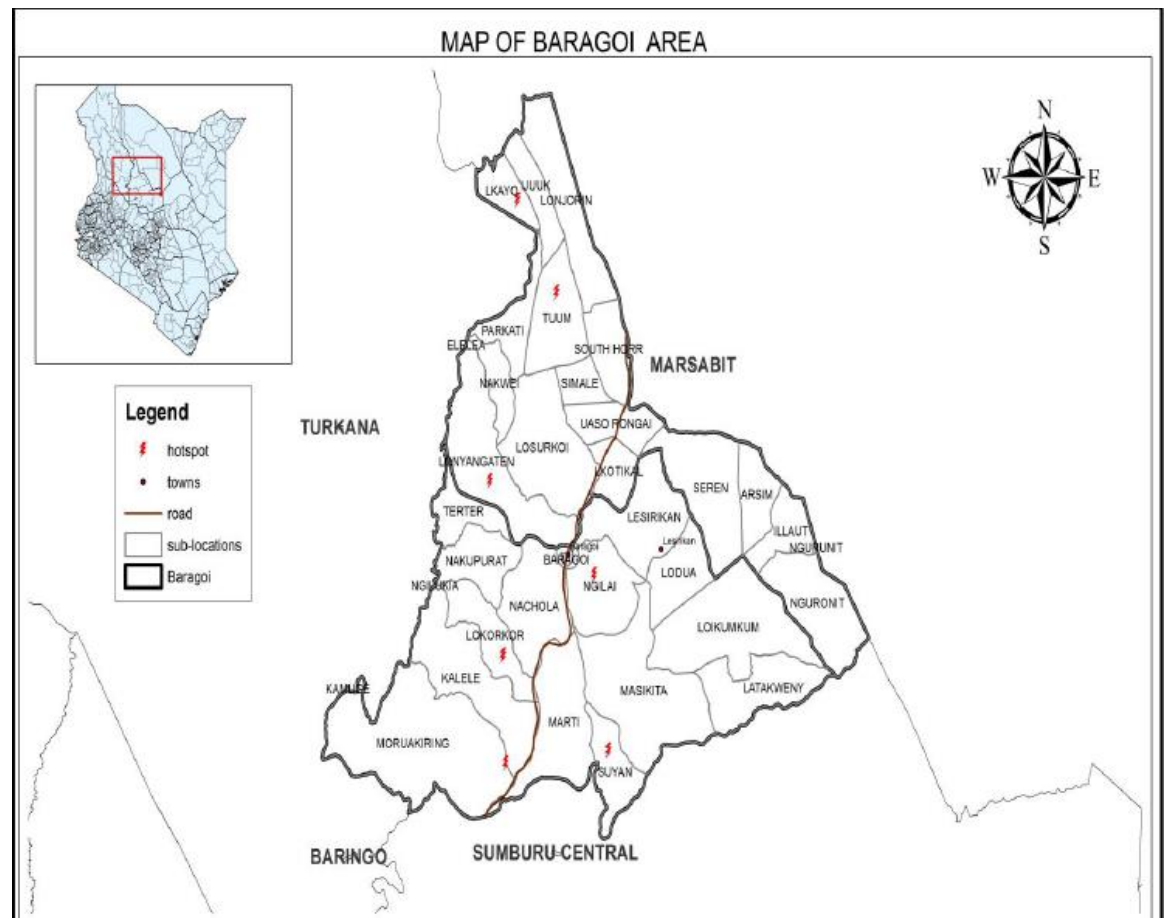
Figure 0:1 Map of the Study Area
Source: Okumu (2017)

The respondents were drawn from Baragoi town, Lelei, Ngilai, Bendera, Kawap, and Nachola. The six locations were selected based on the demographic makeup of the population, with a majority as pastoralists, hence the high probability of inter-ethnic

conflicts in these areas. Notably, Baragoi town and Lelei are cosmopolitan in nature. However, the members of the Turkana community exclusively reside in Kawap and Nachola, whereas the Samburu community reside in Bendera and Ngilai locations. Therefore, these locations provided a balanced representation of the communities to ensure that they were equally represented in the study.

Target Population

The population of Samburu North is estimated to be 67,391, where males are approximately 34,930, and females are about 32,457 (Kenya National Bureau of Statistics, 2019). The target population was made up of adults, both male and female, from the Turkana and the Samburu communities in Baragoi Sub-County. It also included representatives of the NGOs working in the area, such as Children Peace Initiative Kenya (CPIK), Oxfam International, Shalom Center for Conflict Resolution & Reconciliation (SCCRR), Mercy Corps Kenya, and World Vision. The data was collected from males and females above 18 years of age and capable of articulating the conflict situation in the area over the years. These respondents were interviewed directly and within focus groups.

Sample Size

According to Taherdoost (2017), the sample size enables the researcher to make inferences about a population; therefore, determining the sample size is an essential aspect of the research as it facilitates the achievement of the study's objectives. Therefore, a researcher should select an optimum size, as a small size will inhibit the achievement of the objectives, and a large sample will be costly. The respondents above 18 years were

drawn from six locations in Baragoi Sub-County; non-probability sampling was used to select individuals of different ethnicities, social statuses, and gender.

In this research, the sample was derived from a formula proposed by Mugenda and Mugenda (2003), as illustrated below.

x= the sample size

X= the size of the population

e= the precision level.

Therefore;

x=1+X(e)

For the females,

x= 1+32,457 (0.001)

x=32.457, which is rounded off to 33 females

For the males,

x= 1+34,930 (0.001)

x=34.93 rounded off to 35 males.

Therefore, the sample size was made up of 33 females and 35 males as community members. Thirty-two other participants such as government officials, representatives from the NGOs, and key informants were selected using purposive sampling to ensure that the right respondents were identified. Therefore, the initially proposed sample size was 100 people. However, the researcher interviewed 79 individuals as some of the respondents failed to turn up for the meetings.

Sampling Technique

A combination of non-probability sampling and stratified sampling techniques were used in this research. According to Vehovar, Toepoel, and Steinmetz (2016), non-probability sampling involves selecting specific units that represent the whole population. On the other hand, Pandey and Pandey (2015) posit that probability sampling uses random methods to select a sample. However, the technique is more effective for homogenous populations. The population in this research was heterogeneous; hence, non-probability sampling was ideal. The stratified sampling technique was also effective in the context of this research. According to Parsons (2014), stratified sampling is ideal for heterogeneous populations as it obtains a representative sample. In this case, the population is classified into subpopulations then a sample is selected from each stratum (McCready, 2006). In this study, the key informants such as the government officials, the administrators, and the law enforcement officers were divided into strata based on their role in the area. Notably, statistics from the Kenya National Police Service (2020) indicate that Baragoi Sub-County has a total of six government offices and an average of seven officials in each office. Therefore, the researcher selected two government officials, one male and one female, from each government office to aid in the data collection process. One administrator was also selected from each of the nine sub-locations in Baragoi location. Government officials such as the County Commissioner, a member of the County Assembly (MCA) and a Sub-County administrator were also selected as key informants in this research.

Data Collection Instruments

Williamson (2013) posits that the data collection procedures vary depending on the cost of the research, the time, and the available resources. Data is classified into primary data and secondary data; therefore, the data collection method depends on the type of data collected by the researcher. For this research, both primary and secondary data were collected. For the primary data collection process, face-to-face interviews, focus group discussions, and participant observations were used. The secondary data was collected from the published data in books, journals, and government records.

The researcher collected data through face-to-face interviews with the community members and key informants using unstructured interview questions. However, the interview questions varied for the community members and the key informants due to the type of information required from these participants. Notably, the key informants provided first-hand information about how the two communities relate, whereas the community members provided details of their interactions and relationships with the other community members.

Additionally, Focus Group Discussions (FGDs) helped the researcher to obtain the perceptions of the study population within a group. FGDs are essential as they encourage people to open up and contribute freely to the discussion. Notably, the discussion groups consist of an average of 6-12 people who give their views about a particular subject (MacDonald & Headlam, 2008). The researcher held eight FGDs that were conducted in the six Sub-locations. The members of each FGD were made up of six to ten participants in each group. The FGDs were divided into groups with different roles, such as community leaders, clergy, victims of the violence, and men and women from Samburu and the

Turkana communities. This method is most effective when diverse answers are needed regarding a topic as the participants, such as the community members, are in a more relaxed environment than personal interviews.

Finally, participant observation was used in the research to determine the relationship between the two communities. The researcher spent three weeks in the field to understand the participants' actions and behavior, which enabled the researcher to capture the non-verbal cues based on how the communities relate. According to Hennink, Hutter, and Bailey (2020), an observation involves collecting data by the researcher purely by observing the current events. MacDonald and Headlam (2008) assert that these observations can be used to uncover the observable details, hidden details, and the group dynamics to determine the nature of the interpersonal relationships and the behaviors of these individuals as they relate with others. Therefore, the researcher used observation to determine how the individuals relate. Some of the observable details include the personal relationships between Turkanas and Samburus and how they behave towards the individuals of other communities. The secondary data was collected from the existing literature and reports from bodies such as Truth Justice and Reconciliatory Commission (TJRC) and government records to determine the past interventions that have been used in Baragoi Sub-County

Data Collection Procedures

The researcher obtained clearances for research from the Daystar University Ethical Review Board (DU-ERB), the National Council for Science and Technology (NACOSTI), and the Ministry of Education. The researcher then determined the schedule for data collection and worked together with two research assistants in gathering and organizing

data. The data was collected using structured interview guides and focus group discussion guides, and observation checklists. Interview guides and FGD guides were provided to the research participants before the interview date. Therefore, the researcher engaged research assistants to aid in preparing the interviews and focus group discussions. After the data collection, the researcher compiled the data and transcribed the recordings in preparation for analysis and presentation of the findings.

Pre-testing

According to Thabane et al. (2010), pilot studies or pre-tests are conducted on a few people to test the procedures and the methods to determine their efficiency before the research. Therefore, a pre-test reveals any weaknesses in the data collection process. A pilot study also determines the most effective stratification plan to aid the researcher. For this reason, the researcher conducted a pilot study to determine the weaknesses in the data collection instruments before the actual research. The interview questions and focus group discussion guides were presented to select respondents who were not included in the final sample. As a result, the researcher was able to make the necessary modifications before the actual study.

Reliability and Validity

Reliability and validity enabled the researcher to evaluate the efficiency of the research techniques. Notably, reliability reveals the consistency of a measure and its accuracy. Therefore, the researcher tested the reliability of the techniques by analyzing the results obtained to determine the consistency. Similarly, the validity of the research was established by checking how the findings obtained correspond to the existing theories. For

instance, in the interviews, the reliability was determined by checking whether the respondents could give the same answer even when asked repeatedly.

Data Analysis

As posited by Kothari (2004), the data analysis consists of the following steps; organization of the data and coding, data storage, selection of ideal statistical procedures, identification of the appropriate software, and program execution. Therefore, the researcher organized the qualitative data based on the identified themes in the responses submitted and categorized the data using N Vivo 12 pro software. For example, themes were assigned for each category of the data obtained and put in the appropriate coding forms. The data was then analyzed manually and using text analysis software such as Thematic Analysis Software. Therefore, the data was grouped into themes and presented through illustrative quotes and narratives.

Ethical Considerations

Researchers face various dilemmas; however, some principles inform their conduct during the research. These principles include integrity in the research process, respect for confidentiality and anonymity of the respondents, and voluntary participation of the subjects (MacDonald & Headlam, 2008). Other considerations are providing sufficient information about the purpose of the research to the research subjects, preventing harm to the research subjects, and maintaining the researcher's independence by avoiding partiality and conflicting interests.

Firstly, the researcher upheld integrity by acknowledging the primary research sources and informing the respondents that the research was intended for academic

purposes only. Informed consent forms were then handed to the respondents before the interviews to receive their approval for participating in the research. Secondly, the anonymity and confidentiality of the respondents were protected by the use of pseudonyms in the final report. The topic and the questions were emotive, and the researcher utilized communication skills to ensure that all the respondents were comfortable while answering the questions.

Respondents were also given the right to walk away during the interviews if they felt uncomfortable continuing. In so doing, the researcher gave the subjects the freedom to choose whether to participate or not. The fear of victimization was also addressed by assuring the respondents that their identities were safe and that the information would only be used for research purposes. Finally, the researcher obtained the required documentation and authorizations from the relevant bodies to conduct the research. Some of the approvals obtained include approval from Daystar University, the Daystar University Ethical Review Board (DU-ERB), NACOSTI, and the Ministry of Education before the collection of data.

Chapter Summary

The chapter analyzed the methodology used in the research, the design of the research, and the data collection methods. The chapter further highlighted the research location, the population, the sampling techniques, and the data analysis methods used. A pilot study was also provided in the chapter, which eliminated all the weaknesses in the research before data collection. Finally, the researcher highlighted the ethical considerations that informed the research process.

CHAPTER FOUR

DATA PRESENTATION, ANALYSIS, AND INTERPRETATION

Introduction

The chapter provides a summary of the findings collected from the field research. It seeks to provide a detailed report, analysis, and presentation of findings collected through focus group discussions, participant observation, narrations from individuals, and key informant interviews to articulate the conflict situation in Baragoi Sub-County. The results were presented in themes and subthemes with the support of figures to highlight the main findings obtained. The data was categorized, and themes and subthemes were generated through the N Vivo Pro 12 software to depict the respondents' perspectives on the conflict between the Samburus and Turkanas in Baragoi Sub-County. The generated themes are based on the research questions, and they focus on the key areas indicated in the research objectives. These areas include; analyzing the root causes of conflict, examining past interventions towards resolving the conflict in the area, and exploring the feasibility of restorative justice as a mechanism of reconciliation. The researcher also found emerging themes such as the effects of the conflicts and the possible solutions as suggested by the respondents.

Analysis and Interpretation

Response Rate

Out of the 100 respondents expected for the study, 79 showed up for the interviews and the Focus Group Discussions. Therefore, the researcher obtained a 79% response rate,

more than the 50% rate suggested by Mugenda and Mugenda (2003). Out of the 79 respondents, 45 were male making up 57% of the total responses. Thirty-four of them were female, making up 43% of the responses gathered.

The study was conducted in six sub-locations in Baragoi, including Baragoi town, Lelei, Ngilai, Bendera, Kawap, and Nachola. The researcher used non-probability and stratified sampling techniques to identify respondents of different categories based on their gender, age, and occupation from Baragoi Sub-County. The descriptive and explanatory research designs were chosen to enable the researcher to meet the three objectives of the study.

Additionally, one on one interviews were held with key informants and the focus group discussions. The number of participants in the focus groups ranged between 6-10 individuals, all above 18 years. The groups with members of both communities had an equal number of participants from each community. Similarly, the groups with both men and women had an equal number of males and females during the discussion. The researcher managed to interview 79 individuals; 34 females and 45 males. Sixty-four of these were in the eight focus group discussions that were held. The rest of the participants were key informants who were selected based on their ability to contextualize the conflict adequately. Some of these key informants included the Assistant County Commissioner (ACC), the Officer Commanding Police Division (OCPD), Officer Commanding Police Station (OCS), government officials, the Sub-County administrator, teachers, administrative officers, business people, clergy, and representatives from Community Based Organizations and NGOs, who have worked with the locals to restore peace and security in the area. Unfortunately, some of the respondents failed to show up during the

meetings. The researcher used the stratified sampling technique to obtain an accurate representation of the participants in the community. However, constraints such as the security situation in the area prevented the researcher from accessing some remote locations such as Tuum and South Horr, where other participants were situated.

The researcher descriptively profiled the respondents to distinguish the key informants and the participants in focus group discussions using factors such as their ethnicity, gender, and the location of the interviews. The respondents also signed consent forms before participating in the study. The focus group discussions are indicated as FGD, and the key informants are labeled by the month and the year of the interview with their labels and roles in society, such as administrative officers, government officials, and businessmen. For example, a member of the clergy was labeled as 'Respondent 7/21-Clergy'.

The researcher sought different perspectives from both communities by classifying the focus group discussions into the following categories. The first group was made up of administrative officials from the Turkana community who understand the situation in the area; the second group was made up of administrative officials from the Samburu community. The third and the fourth groups were made up of women from the Samburu community and the Turkana community, respectively. Groups five and six were made up of males from the Samburu community and the Turkana community. Group seven was made up of victims of the violence, both men and women from Samburu and Turkana communities who had been affected directly by the violence through the loss of loved ones, loss of livestock, and those who sustained injuries. Finally, group eight consisted of men and women from both communities in one discussion group. The findings obtained are a

response to the research questions that also cover the objectives of the research. Hence, the chapter will articulate the responses obtained from the research questions to fulfill the research objectives.

The following categories were used to classify the focus group discussions.

Table 0:1 Categorization of the FGDs

Group Number	Category	Description	Assigned Codes
Group 1	Turkana Administrative Officials	FGD: Month/Year of Interview, Admin Turk Male-Number	*FGD:7/21Admin Turk M-F01*
Group 2	Samburu Administrative Officials	FGD: Month/Year of Interview, Admin Samb Male-Number	FGD:*7/21Admin Samb M-F02*
Group 3	Samburu Women	FGD: Month/Year of Interview, Samb Female-Number	*FGD 7/21Samb F-F03.*
Group 4	Turkana Women	FGD: Month/Year of Interview, Turk Female -Number	*FGD 7/21Turk F-F04.*
Group 5	Samburu Men	FGD: Month/Year of Interview, Samb Male -Number	*FGD 7/21Samb M-F05.*
Group 6	Turkana Men	FGD: Month/Year of Interview, Turk Male-Number	*FGD 7/21 Turk M-F06.*
Group 7	Victims of the Violence, Mixed Gender from Both Communities.	FGD: Month/Year of Interview, Victims-Number	*FGD7/21 Victims-F07.*
Group 8	Mixed Gender from Both Communities	FGD: Month/Year of Interview, Mixed–Number	*FGD 7/21 Mixed-F08.*

Presentation of Findings

The Causes of Conflict

The respondents had varied perspectives on the main causes of conflict; hence, the community members expressed their perceptions and grievances about what caused them to fight. However, key informants, mostly neutral parties, who were neither from the Samburu nor the Turkana communities presented a broader perspective on some of the causes of the conflict between the two communities. The common subthemes among all the participants were that conflict in the area was mainly caused by cattle raids, the lack of water and pasture, and the notion that Samburu County belonged to the Samburus, thereby creating tension linked to the ownership of the land. In addition to these views, other factors such as inequality, bad governance and leadership, marginalization, the infiltration of illegal firearms, revenge attacks, cultural practices, and illiteracy also came up as causes of conflict in the area.

1.   Scarce resources

Respondents from both communities stated that scarcity of resources, mainly pasture and water, was the leading cause of conflicts in the area. Notably, Samburu North is a semi-arid area, and the pastoralists constantly move in search of pasture and water. From observation and narration from the residents of Baragoi, the researcher noted that the Eastern side of Baragoi belonged to the Samburus while the Western side belonged to the Turkanas. These divisions were made mainly by road, which indicates the side that belongs to each community. Therefore, members of the community and their livestock are confined to their side. However, during droughts, the pastoralists are forced to move from their areas, searching for pasture and water.

The respondents from the Turkana community indicated that the Samburus usually crossed to their side without permission and grazed their cattle on their side.

Recently, the youths fought among each other because some of them migrated in search of pasture and water. Instead of bringing them together, to tell them to sit and teach them to coexist by sharing pasture, people incite them to take the pasture by force, and the residents of the area will be forced to imagine that their area is being invaded by foreigners causing conflict. People should ask for permission to graze their livestock. (Respondent 7/21 Community Elder).

This claim was corroborated by a government official who contended that natural resources were the primary source of conflict in the area. "Pastoralists dominate Baragoi. Conflict is triggered by the lack of water and pasture in the area. The Samburus and Turkanas in Samburu North also have differences which escalate conflicts." (Respondent 7/21 Government Official).

The respondents from the Samburu community also asserted that everyone should stay on their side, which will prevent the eruption of conflict. However, the notion that Samburu County belongs to the Samburus, with the perception that Turkanas should be pushed to 'their own county' was also evident in the discussions. One respondent stated,

. . . there is this saying that the Turkanas belong to Turkana County, which neighbors Samburu County on the Eastern side. It is believed that Turkanas are supposed to belong to Turkana County, and that is a strong argument held by some politicians. (Respondent 7/21, CBO member).

Therefore, the members of one community believed that they were the legitimate owners of the land in the county while the members of the other community were intruders. Hence, they felt entitled to graze their livestock in any part of the Sub-County, which automatically sparked violence as the other community fought them off. "Some people say the county is named after the Samburus; hence the county belongs to them. So, the rest of you should not be here. Go back to where your name belongs." (FGD 7/21Turk F-F04).

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One respondent from the Turkana community argued that they had no problem with sharing pasture. However, they demand respect for their property, and the other community should ask for permission before grazing their cattle on their side.

> *There is no pity for anyone because you will take someone's property and trespass his land. So, when you trespass his land and graze your livestock in their property and their 'manyatta' (mud house) and they will be forced to fight you. (FGD 7/21 Mixed- F08).*

Land ownership issues were also reported to cause conflict in the area, as noted by a participant.

> *We fight over land mostly, and we, as Turkanas, decided to take up Group Ranches as a form of land ownership. We obtained a letter that shows that we are entitled to this land. This road is the dividing factor between Samburus and us, and when they cross to our side, we finish each other because they have entered our land without permission (FGD:7/21Admin Turk M-F01).*

A participant from the Samburu community also noted that land grabbing incidences had also been witnessed. "These days, they even take plots. It will get to a point where you will hear all the people in Baragoi have been killed, and the Turkanas now occupy the area." (FGD 7/21Samb F-F03). Therefore, the conflict between the two communities is increased by competition over scarce resources.

2.   Infiltration of the illegal arms

When the respondents were asked about what they perceived to be the reason why conflict is persistent in the area, respondents from both communities blamed the ease of access to illegal arms in the county. A government official also noted that illegal arms were a big challenge in ending the conflict.

> *There is a big challenge here; the presence of illegal firearms within the community. The community members believe the guns are used to protect the livestock, but they use the same arms to go for raids. (Respondent 7/21 Government official).*

Respondents also pointed out that livestock was the primary source of income in the area. As a result, they have to find ways to guard their property.

> *Culture is what is a major problem here, that of livestock rearing. We worship our livestock because here in Baragoi, people value their livestock. For example, if I have 100 goats, I have to find a means to protect my property, maybe by getting a weapon to ensure that my property is safe so that the other tribe does not steal my property. (FGD 7/21 Mixed- F08).*

Figure 0:1 The researcher with some of the respondents
Source: Author (2021)

A key informant also noted that illegal firearms contributed to the conflict experienced in the area.

> *The guns are not good in the hands of untrained people. Guns should be in the hands of law enforcers. Sometimes even the Kenya Police Reservists (KPR) join the others in the criminal activities. So, it becomes hard to differentiate between the legal firearm holders and the illegal ones. The police officers should be responsible for the security. (Respondent 7/21 Businessman).*

The researcher also observed that the herders casually carry AK47 guns as they graze livestock. One respondent also noted that while cattle raiding incidences were there

in the past, they did not cause as much damage as the guns do. The respondent further

asserted that,

> *With a 'rungu' (club), you can only hit the person close to you; even the arrows*
> *can only hit one person at a time. These clubs and the arrows can only injure*
> *somebody. But these guns have finished so many people because they are shot from*
> *a long distance and can kill several people at once. (Respondent 7/21 CBO*
> *member).*

Therefore, gun ownership is common among men of both communities, and they believe

that guns are the best way to protect their livestock from thieves.

3.   Bad governance and leadership

A majority of respondents cited bad governance and poor leadership structures as

the main causes of conflict in the area. Notably, factors such as the fragility of the

governance systems and the selfish interests of political actors contribute to the escalation

of conflict. In this study, the respondents highlighted the role played by politics in the

escalation of the conflict by stating that the political forces benefited immensely from these

conflicts.

> *Politicians campaign around the security issue, and they are the ones who incite*
> *people. Because for example, if I am a Samburu politician, say a Member of County*
> *Assembly (MCA) or a Member of Parliament (MP), but I see people killing my*
> *people and taking their livestock, I will tell them to defend themselves. Sometimes*
> *even in the political meetings, these politicians tell people to depend on themselves*
> *'si ati mkae tu pia halafu watu wanaendelea kupiga nyinyi kwa upande mmoja'*
> *(Don't just sit there and allow people to attack you from one side) (FGD 7/21Samb*
> *F-F03).*

The respondents from the Turkana side also stated that politicians gained popularity

by campaigning to evict Turkanas from Samburu County.

> *These leaders are usually questioned whether they will drive the Turkanas away*
> *during campaigns. If the answer is yes, then they are voted in to kick out the*
> *Turkanas. Therefore, they try as much as possible to force the Turkanas to migrate.*
> *But for us, we say the area also belongs to us, the land belongs to everyone, if they*
> *stay peacefully then we will all prosper. (FGD 7/21Turk F-F04).*

The key informants cited political incitement as one of the leading causes of the conflicts in the area.

You know these unfair politicians earn mileage through the instigation of conflict. Someone believes in the fallacy that if I hate this group, then my people will love me. This is just a mistaken idea. They incite the people to fight and hate each other to gain political mileage. (Respondent 7/21 Clergy).

A security officer also stated that the political leaders were insincere about solving the conflict. "The political leaders are not sincere in resolving the differences that exist within the community." (Respondent 7/21 Security officer). One respondent asserted,

Politicians are the main reason the conflict is not ending in this area because these leaders do not want to bring people together. Even a parent knows how to unite children even when they have issues, but these leaders speak a different language, which worsens the conflict. These leaders also incite people to fight by telling them that one community does not belong here. (FGD 7/21 Mixed- F08).

The findings obtained indicate that divisive statements by influential people affected the trajectory of the conflict as some individuals were incited against another community. As a result, ethnic hatred increased, causing violence.

4. Inequality and marginalization

The respondents cited inequalities in the distribution of resources, employment opportunities, administrative boundaries, and the favoritism of one community. Notably, most of the respondents of the Turkana community cited discrimination from the Samburu community by noting the presence of amenities such as hospitals and schools on the Samburu side and very few on the Turkana side. Respondents from the Samburu community also stated that they had faced discrimination.

Here, corruption is rampant, and our children are sidelined in government projects and even things like bursaries. You will find that other children will get more funds compared to others. As a result, we feel that people are taking away what rightfully belongs to all of us. (FGD 7/21Samb F-F03).

Respondents from the Turkana side cited the same issue of discrimination as causing conflict.

The other issue is discrimination in employment. For example, you find that the employment opportunities in the county are dominated by one ethnic community. How will the other community feel? Then this brings conflict. When you go to these county offices, not even one Turkana is there. 'Hata mmoja!' (Not even one!)." (FGD 7/21Turk F-F04).

While both communities cited incidences of discrimination witnessed in the area, the respondents from Turkana also cited inequality in the administrative boundaries stating that initially, the area had four administrative wards, which had been reduced to one ward. As a result, the respondents felt they had no voice and had inadequate representation compared to their Samburu counterparts with five wards. The respondent further stated,

Turkanas have been sidelined because all the political leaders are from Samburu. The Turkanas only have one Member of the County Assembly (MCA). The county has 27 MCAs, but the Turkana side has none; the nominated MCAs were only two from the Turkana side." (FGD 7/21 Turk M-F06). Another respondent corroborated this argument, stating, "the Samburus have their leader, but Turkanas do not have a leader. The leader of the Turkanas is God. (FGD:7/21AdminTurk M-F01).

A respondent who is neither from the Samburu nor the Turkana side also pointed out the open discrimination against the Turkanas for amenities such as schools.

On the Turkana side, the schools are very few, and it was only until a few months ago when they constructed Nachola day school, the first high school in that area. This affects the literacy levels as it is not safe for Turkanas to go past the Sub-County hospital to access the schools on the Samburu side. (Respondent 7/21 Education officer).

Therefore, these issues contributed to tensions between the communities, further escalating conflict in the area.

5.   Revenge attacks

The participants also noted that revenge attacks were rampant in the area, which affected the trajectory of the conflict. Respondents from both communities asserted that revenge attacks happened from both communities. "When our livestock are stolen, our men will have to take revenge, and we end up losing lives." (FGD 7/21Samb F-F03). Another respondent also added that "the cattle raids become a threat because the other community will have to revenge. When someone is killed, then automatically they will have to kill also to revenge." (FGD:7/21Admin Samb M-F02). One respondent also noted that conflict is also evident in schools.

> *Just recently, one student was found with a weapon in school, and he injured another student. This made the students fight against each other within the school. The conflict was intense, and the school had to be closed for a few months. (Respondent 7/12 Teacher).*

Therefore, the perspectives of the respondents pointed out the role of revenge attacks in the escalation of conflict and insecurity in the area.

6.   Cultural practices

The respondents also linked cultural practices in the two communities with conflict. Notably, the participants mentioned that cultural factors contribute to incidences of cattle raids and illiteracy among the community members. For instance, the bride price is paid in the form of livestock, and early marriages also contribute to low literacy levels. One respondent expressed their dissatisfaction with the culture, which had affected the literacy levels in the area.

When you see a young girl here with beads around the neck, it means they are not going to school, and they will never go to school. They are now prepared for adulthood, and they milk cows and bring milk to the town; they will also be married off at a young age. (FGD:7/21Admin Samb M-F02).

Figure 0:2 A Turkana woman and her daughter walking back from the market.
Source: Author (2021)

Early marriages are also common in the area. In one of the remote areas in the Turkana side, the researcher witnessed a little girl about 12 years old and her mum who were running away from some 'morans' (warriors) who wanted to elope the girl for marriage. The two were forced to change their route to avoid the morans. One participant stated that "children here are married off early, and they are even booked before they are fully mature." (FGD:7/21Admin Turk M-F01).

The respondents also stated that for a moran to marry in the Turkana side, they had to provide dowry in the form of cattle, camels, and goats to the girl's family. Bride price ranges between 25-30 goats and 10-15 cattle. Camels can be given in place of cattle, but this depends on the size of the girl's family. One respondent noted that: "Not every family is rich enough to afford the dowry. Therefore, the men who are ready to get married will have to go for raids to steal livestock, which can then be used as bride price." (FGD 7/21 Turk M-F06). One respondent also indicated they considered having girls as riches. "We value girls because when she gets married, she brings more livestock." (FGD 7/21Turk F-F04).

Some of the other respondents mentioned that other people even prefer not to educate girls because they benefit more from them if they are married than when they go to school. "If they go to school in other towns, they may get married to other tribes, and that is a loss for the community because the other communities do not give enough dowry." (FGD 7/21Turk F-F04). Other participants also mentioned that polygamy is common in the area, and one needs enough livestock to pay for the bride price of all the wives they have. Therefore, some morans may resort to cattle raiding to pay dowry.

Similarly, the respondents from the Samburu side confirmed that cultural practices contributed to violence during cattle raids. "The initiation ceremonies of the Samburus into manhood involve cattle raiding incidences. The raids are considered heroic, and the community praises the raiders." (Respondent 7/21 Priest). As a result, the cattle raids are conducted to fulfill the cultural obligations, which eventually trigger conflict between the two communities as they seek revenge for the stolen property.

The responses from these interviews and discussions pointed out the root causes of conflicts in the area: the scarcity of resources, infiltration of illegal arms, poor governance, and retrogressive cultural practices that encouraged illiteracy and cattle raiding. These factors are linked to each other, and they have contributed to instability and violence in the area for decades. Therefore, analyzing these factors is essential in determining the best reconciliatory and healing interventions towards lasting peace in the region.

Perspectives on Past Interventional Gaps

The researcher posed questions to the participants to determine why the past interventions were ineffective in ending the conflict in the area. While some questions were related to the efficiency of past interventions, respondents' views on whether a different approach would be effective in ending the violence were sought. From these interviews and discussions, the researcher identified some of the government-led interventions, which were majorly top-bottom and in some instances utilized the use of force. The respondents highlighted some of the failures of these past interventions.

Respondents from the community-based organizations, NGOs, and security personnel commended the government's efforts towards resolving conflicts in the area.

> *I support the government in one way; these days, it has become neutral, and they do not side with one community. They do their work well; if not for the security machinery here in Marti, no one would live here. (Respondent 7/12 member of a CBO).*

However, some of the participants from both communities cited the government's failure in mitigating the conflict. One respondent mentioned that the government had held several security operations. However, the respondent believed that the expertise of the

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bandits and experience with the terrain contribute to inefficiencies of security operations in these terrains. The participant mentioned that:

> *There is a need to recruit officers of security AP, GSU, and police people who have not gone to school who can fight with the bandits in the same capacity. The problem here is corruption in the police force, and people who do not meet the criteria are recruited. Officers from other regions are also sent here, yet they are unfamiliar with the terrain. This affects the security operations. (FGD 7/21Samb M-F05).*

Another respondent also mentioned that the lives of the police officers are put at risk during these operations because bandits are armed and dangerous. The respondent referenced the 42 officers who were massacred in Baragoi in 2012.

> *Look here; when you allow militiamen to carry firearms and you send 'askaris' (police officers), askaris shed blood, they are not robots, then the government tells them can you chase these armed bandits. Remember, the bandits are armed, and you are telling the police officers, people who shade blood like everyone else, to go after them. If I was a police officer, I would not go because you are endangering my life. (Respondent 7/12 member of an NGO).*

Contention arose regarding the government's efforts, particularly in the prosecution of the wrongdoers. The participants mentioned the lack of evidence in most cases, which affects the court proceedings. "Even when an individual is found guilty, they are just released for lack of evidence." (FGD 7/21Samb F-F03). Another participant also mentioned the heroism related to cattle raids. "Here, the morans are considered heroes of the society. So even when cattle are stolen, the community will not point out the responsible individuals." (Respondent 7/21, a teacher).

Some of the participants also faulted the government for sidelining the area. "We only depend on God because the government does not do the operations when they are necessary." (7/21Admin Samb M-F02). In a television interview, the area Member of Parliament also pointed out the neglect of the region by the government. "Police are not doing their work. It looks like Samburu County is not in Kenya, because we have lost

several young people, people with bright futures." (MP Samburu North Hon. Lontoimaga in a TV news piece). Other interventions mentioned by the interviewees included disarmament efforts, the use of police and other retributive processes, community-based organizations, peace meetings, prosecution of wrongdoers, and livestock recovery missions, among other mechanisms.

1.   Peace meetings

The participants agreed that several peace meetings had been held in the area to resolve the conflicts. However, some factors such as political incitement and the location of these meetings affected their efficiencies in resolving the conflict. One respondent stated that,

> *We have public 'barazas' (gatherings) and peace meetings here in town mostly. And they have been effective because we make people understand the need to co-exist. But it hasn't solved the conflicts because the conflicts have existed for a long time, especially outside the town. (Respondent 7/12 Revenue officer).*

The view was supported by another respondent who stated that "for us who live in towns, we co-exist peacefully with each other. The problem is in the remote parts. Unfortunately, no one is willing to take these meetings to the people who need it the most" (Respondent 7/12 Businessman).

One respondent also indicated that incitement is caused by the leaders and the elites who live in towns.

> *Our brothers in the rural areas, those are the ones who kill each other, enemy to enemy; and it is contributed to us in the urban areas. You know, as we drink and chew 'miraa' (Khat), we talk ill about the other community, and then the ones in reserve areas are influenced to believe that the two communities are enemies. (FGD:7/21Admin Samb M-F02).*

The political leaders were also blamed for the inefficiencies of the peace meetings.

Some bodies such as NCIC come for meetings, and some Community-Based Organizations (CBOs) have also worked here. But you see, these people preach peace, but there is no ground support to facilitate the mechanisms. If the local leadership does not support it, it will fail because if an outsider comes with the idea of peace, it will be poisoned, making it recur. It goes back to ground zero. (Respondent 7/12 law enforcement officer).

Another participant mentioned that while they discussed strategies for moving forward peacefully, these strategies were not implemented. "Sometimes we even exchange milk with the Samburus, and we even agree not to fight anymore. But in the morning, violence erupts again because no one fulfills what is discussed in the meetings." (FGD 7/21 Turk M-F06). However, other participants mentioned that these meetings were just a formality. "These peace meetings are usually just to blind people, and sometimes even people are threatened." (FGD 7/21Samb M-F05).

2. Disarmament efforts

For several years the government has launched the recovery of firearms from pastoralist communities in Kenya. However, these exercises have not been effective as individuals fail to surrender their guns, and the use of force by the government mostly invites resistance from the communities. The respondents acknowledged the efforts made by the government to recover illegal arms. However, most of them highlighted the failures attributed to the strategy used and the resistance from the pastoralists.

One respondent loathed the politicians for their involvement in the arms dealings and their interference with these operations.

The disarmament efforts have been interfered with by the politicians. However, it is still challenging to disarm the residents here because the illegal arms will still be in Marsabit and Turkana counties, bordering Samburu County. So, the government has to plan enough to cover all the counties where these illegal arms are. (Respondent 7/21 security officer).

The researcher also noted from narration by the residents in Baragoi that a chief in Baragoi town was arrested for allegedly planning to distribute bullets to residents of his sub-location. This was evidenced in a picture that he wrongfully sent to a WhatsApp group indicating the number of bullets to be issued to the residents. Other respondents also pointed out that both communities fear surrendering their weapons because the other community may attack them if they fail to surrender weapons in unison.

> *If people are disarmed, then maybe we can achieve peace. The disarmament efforts in the past only focused on the chiefs who would only return a few firearms. One community would return the guns, and the operation would end. When things settle, the other community attacks them because maybe they did not return the guns. So, you find that those who retained the guns attack the unharmed community, and in the process, many livestock are stolen. (FGD:7/21AdminTurk M-F01).*

The chiefs also supported the disarmament efforts, but they believed that the morans hid to avoid these operations.

> *The most important thing to do is to disarm the people. However, when the disarmament efforts are initiated, the Samburu morans run away to the hills and hide. The Turkana morans also run to Suguta Valley, and we know very well the police officers cannot manage the terrain here. (FGD:7/21Admin Samb M-F02).*

Figure 0:3 Some of the respondents in an FGD
Source: Author (2021)

Another participant also mentioned that the chiefs were able to facilitate successful disarmament efforts since they knew the gun owners in the community. However, their potential had not been fully utilized. "It is easy to disarm the people if the government is willing because the chiefs know who has a gun in their community." (Respondent 7/21 clergy). Some of the respondents linked the disarmament efforts with the use of force, which may affect innocent members of the community. "When the government performs these operations, innocent people are harassed." (FGD 7/21Turk F-F04).

3.   Livestock recovery missions

The participants were asked about other forms of intervention, and they mentioned livestock recoveries, albeit done on a small scale. One respondent expressed their dissatisfaction with the past recovery missions that were mainly unsuccessful.

In Moi's era, people used to steal cattle, but the government would follow up and ensure that all the livestock stolen during these raids were returned to both sides. So, when everyone gets back their livestock, no one would go on a revenge mission. But currently, when the livestock are stolen, the chiefs are the only ones who follow up. And you know the bandits have weapons, so it becomes difficult for the chiefs to return all the stolen cattle, which automatically sparks revenge attacks. (FGD 7/21Samb M-F05).

The chiefs mentioned that the recovery missions were left to them and could not recover the stolen livestock.

The chiefs at the moment will never recover any livestock. In the past, we had the KPR; now, they are not there; they were disbanded and disarmed. I can say the chief has no strength anymore. You know, a chief uses the power of the KPR as their commander to recover the livestock in a good way without causing any violence. (FGD:7/21Admin Samb M-F02).

Another responded added, ". . . currently, when the livestock are stolen, the chiefs are the only ones who follow up." (FGD:7/21Admin Turk M-F01). Other participants also highlighted inequality in the recovery missions and police operations in the area. "The government has tried, but when the police officers try to conduct operations, they are influenced by political leaders who would only encourage them to focus on one place during these operations that are one-sided." (FGD 7/21 Mixed- F08).

The information obtained from the respondents highlighted the failures of the past interventions, citing their top-bottom nature and the existing gaps that contribute to the inefficiency of these interventions. Some of the failures of the past interventional mechanisms are linked to excessive use of force, failure to include all members of the community in peace meetings, political incitements, and the limited capacity of the local administrative officers to recover stolen livestock. While some of these interventions helped establish a state of negative peace in the area, their failures were evident in the

hatred and strife between the two communities, contributing to tension and uncertainty in the region.

Suitability of Restorative Justice in Resolving Conflicts in the Area

The researcher sought to explore whether restorative justice mechanisms could bring sustainable peace between the Samburus and Turkanas in Baragoi. The respondents were asked whether they had participated in any dialogue meetings and efforts to achieve peace in the area. While some of the participants closer to the towns reported involvement in reconciliatory efforts, the respondents in the remote regions mentioned that they had only heard about these meetings.

As a tenet of restorative justice, taking responsibility and showing remorse is essential in bringing healing and restoration among the victims and the perpetrators. However, when respondents were asked whether individuals had taken responsibility for the atrocities committed, they mentioned that the perpetrators could not even be identified. One victim of the violence (a Samburu) who had been shot on the right hand said that he did not even know the individual who shot him.

> *In 2013, I was riding my motorbike with a friend of mine past the District Commissioner's office (the Samburu side). All I felt was the impact of the bullet, and then I saw the blood in my hand, so I did not even know who shot me. We left the motorbike and started running away from the direction of the gunshots. Luckily, we met law enforcement officers on patrol who rescued us. (FGD 7/21 Victims-F07).*

Other respondents also mentioned that the conflict affects both communities due to revenge attacks, and it is impossible for the perpetrators to admit fault.

> *The wrongdoers are aware that they are on the wrong, but they feel like they have also been wronged. So, it still becomes a cycle due to the revenge attacks. It just needs a contribution from each individual with one agenda to end the conflict. (FGD 7/21 Mixed- F08).*

From narrations, the researcher noted the strained relationships between the two

communities. The participants also affirmed that;

> *Sometimes a Samburu can be killed by a Samburu. But the community will automatically assume that the Turkanas killed them. The same goes for the Turkanas; if their person is killed, they will just assume it was Samburus because the communities are bitter with each other. (FGD 7/21 Mixed- F08).*

Other participants also noted the inefficiencies in the justice systems, which

affected the prosecution of wrongdoers.

> *There is no evidence that allows the perpetrators to be punished, and there has to be tangible evidence like recordings to prove the guilt. The government has never taken any stern action against these people. They are only taken to court and then released for lack of evidence. (Respondent 7/21 community elder).*

A respondent also asserted,

> *When it is reported that stolen livestock are in a particular village, the chiefs surrender the names of the people involved. By the time the courts are involved, the people will have been released, and they even plan for more raids. (FGD 7/21Samb M-F05).*

One respondent acknowledged that sometimes the bandits were better armed than

police officers, so it became difficult to apprehend them. "The bandits are not arrested

because they are more dangerous than the police officers, and the police could be exposed

to danger because the bandits are better armed." (FGD 7/21Samb F-F03). The respondents

also mentioned that they felt sidelined by the government because their security concerns

were not addressed. "The government is not concerned with the people of Samburu; we

have been left in the hands of criminals and livestock thieves." (FGD 7/21Turk F-F04).

The researcher asked the participants what they thought about the lack of action against the wrongdoers, and they attributed the high rate of criminal activities and violence to the lack of action.

The kind of lawlessness experienced here will make you think that we are animals. Because people kill each other and they do not value human life anymore. Especially now that most people have guns, when you wrong someone, they will just shoot you. (FGD 7/21 Victims-F07).

Another participant also mentioned that sometimes people are attacked by unknown assailants.

These people know which community stays on which side. So, if they find you outside at night, they will kill you because they associate you with the community that lives on that side of the road. They cannot be identified, and no one will prosecute them. (Respondent 7/21 businessman).

The researcher also sought to find out whether the perpetrators were remorseful for the crimes committed. The respondents had conflicting views. One stated that "you cannot know someone's heart. We have all lost property, children, our parents, and we are even poorer than the neighboring counties." (FGD 7/21 Mixed- F08). Another one added that "We have all wronged each other. So, I don't know who should apologize to whom". Other participants mentioned that no one was ready to take responsibility for their actions for fear of arrests. "The culprits cannot admit their crimes because they know they will be arrested" (FGD:7/21Admin Turk M-F01).

In order to explore the aspect of truth-telling between victims and offenders in restorative justice, the participants were asked whether they would meet up with the offenders to discuss the reconciliatory process. One participant from the Turkana community pointed out the superiority of the Samburus. "We fear Samburus, but when it

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comes to forgiveness, we are ready to live in harmony with them. I would want to know, though; will they agree to live peacefully with us?" (FGD 7/21Turk F-F04).

Respondents from the Samburu community harbored bitterness towards the Turkanas, as evidenced by their responses. "I have seen what these bandits are capable of; I cannot sit and dine with a Turkana because my blood will boil when I remember the people I have lost." (FGD 7/21Samb F-F03). However, another participant interjected, "I am tired of this conflict, I just wish we could end it once and for all, I am willing to sit and discuss the way forward with the Turkanas." (FGD 7/21Samb F-F03).

The participants were also asked if they had any meetings with the other community and how efficient these meetings had been. Some of them stated that they had been involved in peace campaigns. However, the respondents mentioned the availability of guns as a hindrance. "We can sit and talk peacefully with the other community, but you know 'bunduki iko na lugha yake' (the guns have their language)." (FGD 7/21Samb M-F05).

When the respondents were asked whether they were willing to forgive those who had wronged them, some of them were willing, but a majority were still bitter. One respondent said, "we have all lost from these conflicts, and we are tired. If forgiveness is what will bring peace, then I am ready to forgive, but I will not forget what they did." (FGD 7/21Samb M-F05). Another participant stated that "this conflict has made me believe that the people of the other community are killers. But we still sit together in the town. It is different in the remote areas though because they just kill each other" (FGD 7/21 Mixed-F08). Another respondent pointed out the hatred between communities. "Baragoi is heading to a bad place because of the hatred, which keeps increasing. People have lost property, so they hate each other." (FGD 7/21Admin Turk M-F01).

The researcher also sought to determine whether there had been any form of justice such as compensation, restitution or if the perpetrators had sought forgiveness for the harm done. Therefore, the respondents were asked about their perceptions of the compensation of victims by perpetrators. One participant mentioned the extensive loss experienced by both sides "when you say compensation, will the people who have died be brought back?" (FGD 7/21 Victims-F07). Another respondent mentioned that no compensation would be sufficient to cover the lives of people who have died in the conflicts.

> *We have lost many people; if it were about livestock thefts, it would be easy to forgive because we will leave these riches here. The problem is that we have lost our loved ones, and we have been widowed. How can we get that back? No amount of money can compensate for human life. (FGD 7/21 Mixed- F08).*

The researcher also explored the aspect of conflict transformation by asking the respondents whether they would be open to change of structures and systems to bring lasting peace in the area. Respondents from the Turkana side highlighted the importance of culture and their unwillingness to abandon their cultural practices. "Dowry is important, and no one can give up their daughter for marriage if there is no bride price" (FGD 7/21Turk F-F04). The Samburus also insisted that the initiation of Morans is an essential cultural practice. "Morans have to be initiated, and we consider them heroes." (FGD 7/21 Samb F-F05) While the respondents showed a willingness to co-exist peacefully, they did not exhibit the willingness to work on the deep-rooted issues that caused conflict in the area. "We just want peace; taking us back to the past would do more harm than good." (FGD 7/21 Victims-F07).

Finally, the respondents were asked if they were willing to participate in collective healing processes. The members of both communities were open to finding an amicable

solution to the conflict. "We love peace, but we have never known peace since the 1960s. We constantly fight with each other, and we are fed up. We want to live normally, so we will sit and talk." (FGD 7/21Admin Turk M-F01). Another respondent mentioned the language barrier as an issue if such meetings were to be held in remote areas. "People here speak different dialects, so sometimes people are even killed because there is no communication. For such meetings, then you must find interpreters. Otherwise, they will murder each other in the meetings." (Respondent 7/21 priest).

The researcher explored the feasibility of restorative justice by examining the pillars of restorative justice. However, the responses pointed out issues such as the unwillingness to explore the past, which would be the genesis of the conflict transformation process. These issues are tied together, and examining each pillar of restorative justice is essential in restoring broken relationships and fostering long-lasting peace in the area. Therefore, the conflict resolution process in the area would require effort, commitment, and resources to achieve the needed success.

Summary of Key Findings

The findings of the study revealed three main themes; the causes of conflict, the gaps in the past interventions, and the feasibility of restorative justice in resolving the conflicts in the area. While the respondents had varied perspectives regarding the causes of conflicts, most of them agreed that conflict in the area was caused by six factors. These include scarce resources, infiltration of illegal arms, retrogressive cultural practices, bad governance, marginalization, and revenge attacks.

The respondents also provided their opinions regarding the past interventions used in the area. Some of the respondents stated that these efforts had been affected by political

incitement, the use of ineffective strategies such as holding peace meetings in the urban areas instead of the villages, and inefficient livestock recovery missions. As a result, the tension between the two communities remained high, hence affecting how the Samburus and the Turkanas related.

Finally, the perspectives of the respondents regarding the feasibility of restorative justice in the area revealed the bitterness and anger held by both communities due to the injustices experienced. Most respondents indicated their unwillingness to forgive the perpetrators, while others insisted that both communities had wronged each other and had all been affected by the conflict. As a result, it would be difficult to label one community as the victim and the other as the offender. Therefore, these factors affect the use of restorative justice as a tool of reconciliation in the area.

Summary

The chapter highlighted the findings from the study in line with the objectives and the research questions to examine the conflict situation in Baragoi Sub-County and the need for effective strategies to address conflict. Notably, the residents of the area faced various challenges of security, which have contributed to the loss of lives and property, and caused poverty and underdevelopment in the area. While several interventions have been used in the past, the gaps in these interventions contributed to the intractable nature of conflict in Baragoi Sub-County. These findings were presented in detail based on the responses provided, and they were organized and presented using themes, tables, and images. The data presented and analyzed in the chapter forms the basis for the presentation of chapter five through discussion of findings, conclusion, and recommendations for further study in line with the topic and the research objectives.

CHAPTER FIVE

DISCUSSIONS, CONCLUSIONS AND RECOMMENDATIONS

Introduction

This chapter discusses the key findings obtained from the field research through focus group discussions, key informant interviews, and participant observations. It further provides recommendations based on the purpose of the study and the research questions. The chapter also presents the areas for further research based on the study's findings. The findings highlight the causes of conflict and the interventional gaps in the past mechanisms used to resolve conflicts in the area. The research is based on the premise that restorative justice as a bottom-up approach can be utilized in conflict situations to bring lasting peace through the healing and reconciliation of the conflicting parties. Notably, the findings reveal the practicality of restorative justice as a conflict resolution mechanism in Baragoi Sub-County.

The idea of restorative justice as a conflict resolution mechanism may seem straightforward and easy to implement among the conflicting communities. Therefore, the researcher sought to determine whether the tenets of restorative justice could be used to resolve conflicts among two conflicting communities with minimum interactions and dialogue, coupled with past hurt and grudges. However, the research findings revealed that several issues complicate the conflict in Baragoi Sub-County, which further create rifts between the communities. Additionally, the research findings revealed that the communities harbored bitterness and negativity, which may hinder the collaboration between the offender, the victim, and the community to foster healing and reconciliation

in the society as proposed by the principles of restorative justice. Therefore, based on these findings, restorative justice may not work in its full capacity to provide lasting peace in the area. According to the theory of conflict transformation by Paul Lederach, the achievement of peace is based on the scrutiny of the underlying structural patterns, which are essential in providing solutions to improve how individuals relate (Lederach, 2015). Therefore, this chapter discusses the main findings obtained from the research and links these findings with the perspectives of other authors to facilitate the achievement of the research objectives.

Discussion of Key Findings

Causes of Conflict in the Area

The findings in the study revealed six main causes of conflicts in the area; scarce resources, the infiltration of illegal arms, bad governance, marginalization, revenge attacks, and cultural practices. The participants linked pasture as a source of conflict with the drought in the area, forcing the community members to migrate to other parts in search of pasture and water. However, these migrations sparked conflict as one community felt like the individuals had trespassed their land. According to Adem, Ember, Skoggard, Jones, and Faas (2012), grazing lands in the Northern part of Kenya are dangerous zones owing to the migration of herders in search of pasture and water, which sparks violence if the herders encroach on land that belongs to another community.

The study also established that the marginalization of one community mainly enhances the strained relationships between the two communities. For instance, according to the respondents, the members of the Samburu community felt a sense of ownership of

the county based on the name 'Samburu County.' Therefore, the Samburus felt entitled to graze their livestock even on the Turkana side as they believed the Turkanas should be pushed to their county, Turkana County. On the other hand, the Turkanas said they had lived in the area for several centuries and believed they had equal rights to the land as the Samburus. Therefore, they demanded that the boundaries should be respected and should need arise that requires the Samburus to graze the livestock on their side, then permission should be sought before trespassing the Turkana land. Inequalities in the distribution of resources also cause conflict in the area. Therefore, the relationship between the two communities is affected since one community feels marginalized. Nygård (2018) links inequalities created by ethnicities and regional identities as posing a significant risk in the escalation of armed conflict. As a result, the communities are prone to conflict as they fight for their rights and equal representation.

The trajectory of conflicts in the area is also affected by the selfish interests of individuals who benefit indirectly from conflict. Notably, the findings revealed that the infiltration of illegal arms in the area is rampant due to illegal arms dealings among powerful individuals. Some of the respondents noted that many individuals benefit from the conflict as they get to supply the illegal arms used during conflicts. Wepundi, Nthiga, Kabuu, Murray, and Frate (2012) assert that the procurement of illegal arms and the popularity of the gun culture is sustained by constant conflicts, which increase the demand for illegal firearms. As a result, firearms contribute to insecurity and the escalation of conflict. Therefore, the lack of control on illegal arms becomes a recurring security challenge and compromises the efforts towards achieving peace and stability.

Leadership is also crucial in the conflict situation in Baragoi Sub-County, as revealed in the focus group discussions and interviews. Notably, the participants indicated that the incitement by political entities contributed to the escalation of conflict. They also mentioned that politicians use the conflict and the differences between the two communities to earn political mileage. Therefore, the incitement from political actors further intensifies the rift between communities, creating an unending cycle of violence. Okumu (2017) also noted that major raids occurred in areas occasioned by political incitements after rallies. For instance, the Baragoi Massacre of 2012 is believed to have occurred after the incitement of youth in Munanda, a grazing field situated outside Baragoi town.

As indicated by the responses, most political actors also use the conflicts to showcase their capabilities and support for a particular community, which further explains why most of the conflicts in Baragoi Sub-County occur around election season. For instance, in 1996, Samburu politicians incited the residents to torch houses in villages occupied by the Turkanas in areas such as Lomerok, Charda, and Logetei (Okumu, 2017). Therefore, the findings indicate that insecurity instigated by political actors creates fear among people, forcing them to protect themselves by acquiring weapons to protect themselves from attacks.

The study's findings also revealed high rates of revenge attacks and killings, which create a cycle of violence in the area. The participants highlighted the lack of action by the government to foster justice, which pushes them to take revenge against each other. The sentiments presented by the participants are backed up by an argument by Amegashie and Runkel (2012), who assert that the desire to revenge is rooted in human nature. As a result,

revenge may destabilize conflict by forcing the factions involved to counter the attack launched, which causes an escalation of conflict and may cause devastating effects for the parties involved.

Cultural factors also play a role in promoting violence in the area. The respondents mentioned that cultural practices such as high bride price and initiation into 'moran hood' (warriorhood) encourage cattle raiding incidences in the area. Given the high value placed on livestock as a primary source of income in the area, the communities seek revenge to compensate for the stolen livestock during these raids. Consequently, the relationships between the two communities are strained, contributing to tension and insecurity in the area. Therefore, these findings reveal the deep-rooted issues in Baragoi Sub-County that can be linked to historical differences between the two communities. Hence, the conflict in the region is complicated by a combination of factors, which contribute to insecurity in the area.

Gaps in Past Interventions

The second objective of the research aimed to identify the gaps in the past interventions used in Baragoi Sub-County. The findings revealed that although several mechanisms have been used in an attempt to end the conflict between the Turkanas and Samburus, peace has not been achieved. The respondents highlighted the inefficiencies of past interventions, arguing that they did not improve the conflict situation in the area. For instance, the researcher found out that the government operations in the area were affected by factors such as the terrain of the area, the experience of the bandits and possession of weapons, and failures in the judicial system to bring justice in the area. Notably, the participants mentioned that the criminals had been trained in the area and were conversant

with the terrain compared to the police officers from the region. According to Buhaug, Gates, and Lujala (2009), "difficult terrain, porous boundaries, and access to plunderable resources also affect the relative strength of a government and rebel group engaged in conflict" (p.545). While some of the respondents commended the efforts of the government in attempting to restore peace in the area, others highlighted the failures of the government. For instance, inefficiencies of the judicial systems in apprehending offenders and insufficient experience of the police officers in the recovery missions were highlighted as some of the failures. The respondents further expressed their dissatisfaction with the government operations stating that they felt like the county was marginalized.

The findings of the study also revealed that several peace meetings had been held in the area. However, the efficiency was affected by focusing on the wrong groups of people in these meetings. Some of the respondents mentioned that they had only heard about peace meetings but were never involved. They further proposed that peace meetings in the area should focus on the people in the remote areas who usually fight with the other community. However, the remote regions are deemed dangerous for fear of bandits, and other places are inaccessible due to the poor infrastructure in the area. It was also evident from the sentiments of the respondents that the peace meetings were affected by political incitement, which affected the intensity of the conflict. According to Donais (2012), the local ownership of a peace process is essential in implementing peace processes in conflict settings; therefore, the local leaders can affect the conflict either positively or negatively. However, in Baragoi Sub-County, the lack of unity among the leaders to end the conflict has negatively contributed to the high incidences of violence and insecurity in the area.

The participants also acknowledged that while disarmament operations had been conducted severally in the area, the failure of the communities to submit the weapons unanimously contributed to the lack of trust between the communities. The operations also involved the use of force to ensure that the arms were surrendered. However, this strategy had not been ineffective in the area as the community felt threatened and failed to cooperate with the government. Nyago and Hongo (2006) contend that community members can link disarmament efforts to the intimidation of the community; therefore, this reduces the cooperation between the security forces and the community members, which affects the information obtained regarding crimes in an area.

The study's findings also revealed that livestock recovery missions had not been fully effective in the area. Notably, the chiefs in the area were tasked with recovering the stolen livestock. However, their capacity was limited by the lack of support during these missions. For instance, the disbandment of the KPR group affected the ability of the chiefs to recover the stolen livestock. The participants also noted the inequalities in the recovery missions instituted by the government, stating that these efforts only focused on one community.

Although several interventions have been used to end the conflict in the area, achieving a state of positive peace in Baragoi Sub-County has proved difficult. Therefore, the study faulted the top-bottom approaches used in the past and explored whether the participatory grass-root mechanism of restorative justice could restore lasting peace in the area and restore the broken relationships between the Samburus and Turkanas in the area.

Restorative Justice in the Context of Baragoi Sub-County

The researcher also sought to explore whether restorative justice could work in Baragoi Sub-County. Notably, restorative justice focuses on repairing the harms inflicted in response to a crime committed by an individual. It utilizes certain pillars such as truth-telling, reparation, restitution, compensation, and forgiveness. The researcher set out to field with the perception that restorative justice would be ideal in resolving the conflict between the Samburus and Turkanas in Baragoi Sub-County. However, the views expressed by the participants regarding the approaches of restorative justice provided little evidence that healing and reconciliation could be achieved through dialogue to rehabilitate and reconcile the offenders, the victims, and the community. Notably, the respondents believed they had all wronged each other, and it was impossible to identify the victim and the offender. As a result, the restorative justice process would be incomplete since none of the two communities would admit to being the offenders. According to Zehr (2014), restorative justice is based on three pillars; "harms and needs, obligation and engagement" (p.26).

First, restorative justice focuses on the harms instilled on to victims by their offenders. Therefore, these harms must be repaired to restore relationships between individuals. It also entails the application of tenets such as truth-telling, justice, restitution, compensation, and forgiveness part of recognizing the harms and needs. Secondly, it focuses on acknowledging harm by the offender and taking responsibility for their actions to make things right with the victims. Finally, the victims, the offenders, and the community play a role in the justice process by participating in dialogues to share their experiences and agree on the way forward (Zehr, 2014). Therefore, restorative justice

focuses on achieving forgiveness, bringing healing, making amends for the wrongs done, and reintegrating into society (Marshall, 2020).

Feasibility of Restorative Justice in Baragoi

The findings from the study revealed that restorative justice might work to some extent, but it may become a challenge to implement the tenets of restorative justice entirely. The responses indicated that the perpetrators could not be identified; therefore, it is difficult for either of the communities to take responsibility and show remorse to the other community members. For instance, the participants from the Turkana community held a firm ground that they had been discriminated against in various ways, including the allocation of funds, the determination of administrative boundaries, and in significant leadership positions. Similarly, the Samburus cited inequalities in the distribution of resources and job opportunities. Therefore, both communities believed they were the victims, and they expressed their grievances and bitterness towards the other community due to the discrimination, which would affect the application of the tenets of restorative justice.

The respondents also believed they had been wronged equally; therefore, identifying the victim and the perpetrators in the area is difficult as both communities feel they are the victims. Additionally, the respondents mentioned that the community held high regard for the morans who mainly conducted the cattle raids, which triggered violence. As a result, the offenders would not be identified to facilitate the truth-telling process and acknowledge the harm caused. Therefore, an intervention that involves identifying the victim and offender may not be effective in the area as it is difficult to label the community members as victims or offenders. As a result, the tenets of restorative justice, such as

repairing the harms caused and reconciling the victim, and the offender, may not be fulfilled adequately.

The study also revealed a lack of trust between the two communities, which would complicate meetings aimed at reconciling the two communities. Some of the respondents cited ill motives that may trigger violence. "Tunaweza kukutana, lakini hujui ndani ya moyo mtu anapanga vipi" (We can meet, but you don't know the heart of the other person). As a result, the reconciliation process may be compromised as the meetings could spark past hurts and unhealed wounds, affecting the efficiency of restorative justice. The responses gathered regarding the truth-telling aspect of restorative justice also highlighted the mistrust between the two communities and the superiority of one community over the other. The bitterness held by the victims also proved that it would be difficult to bring both communities as the past wounds had not been healed. While some of the respondents were ready to forgive and move on, others harbored bitterness against the other community members, which would affect the reconciliatory efforts.

The study's findings also indicated that the immense loss experienced by the victims could not be compensated through the forms of justice such as restitution and compensation. Therefore, the quest to provide justice to the victims to repair the harms inflicted would not be possible as the respondents were not willing to accept compensation, given the extensive loss of lives and property.

The respondents also showed an unwillingness to change the systems and structures to facilitate the conflict transformation process. The inception of the restorative justice process requires the acknowledgment of the root causes of conflicts to find amicable

solutions. Notably, Sullivan and Tifft (2007) acknowledge the importance of paying attention to the root causes of conflict in a restorative justice process and the intersection between the victim and the offender together with the effects of structural inequalities experienced. As a result, finding solutions to a conflict requires agreement on the causes of conflict to facilitate the development of effective strategies to address the conflict. However, the findings revealed reluctance in abandoning retrogressive practices such as the initiation of the morans by the Samburus and the high bride price among the Turkanas, which increased the cattle raiding incidences. Consequently, it would be challenging to address the deep-rooted issues between the two communities to create lasting peace.

Based on these factors, the researcher concluded that the participants' commitment and dedication to the restorative justice process was not evident, mainly because of mistrust between the communities. The restorative justice process is rigorous and requires the effective participation of both the perpetrators and the victims to "repair, restore, reconcile, and reintegrate the offenders and victims to each other and their shared community," as proposed by Menkel-Meadow (2007). The respondents also exhibited the need for the absence of violence in the area, which denotes the desire for negative peace. The findings also revealed that the participants were unwilling to address the historical causes that would be vital for the restorative justice process through conflict transformation; instead, they would be satisfied with mechanisms that would guarantee the absence of conflict in the area despite the evident deep-rooted hatred between the two communities. Therefore, restorative justice is unlikely to work in the context of Baragoi due to the unwillingness of the respondents to engage in a rigorous restorative process that would facilitate the achievement of positive peace.

Conclusion

This study aimed to find out whether restorative justice could resolve the inter-ethnic conflicts between Samburus and Turkanas in Baragoi Sub-County. The study concludes that while restorative justice might not work fully in Baragoi Sub-County, a different approach is necessary to bring forth sustainable peace in the area. Occasionally, the residents of Baragoi experience a state of negative peace, which is temporary as violence can be triggered by minor issues. Therefore, healing and restoration are necessary to ensure that both communities depart from the past hurt and the bitterness held against the other community to facilitate the successful implementation of mechanisms focused on healing and restoration. Notably, addressing the root causes of the violence to find a lasting solution is rooted in Johan Galtung's conflict triangle who asserts that conflict can be compared to the 'tip of the iceberg' whereby deep-rooted issues are hidden beneath the physical aspects of conflict, which appear at the surface level (Galtung, 1990). Therefore, finding a lasting solution to the conflict in Baragoi Sub-County requires the analysis of the structural causes of the violence and addressing them with the help of the community members to achieve positive peace in the area.

Recommendations

The study recommends grass-root mechanisms specifically focused on the people in the remote areas of Baragoi. This approach can bring healing and foster positive relationships between the two communities and address the root causes of conflicts in the area. While the people in Baragoi town were observed to mingle and interact freely, the people in more remote areas of Baragoi were clear that if a member of the other community

was spotted in their side of the land, they would be attacked. Therefore, the relationships between the members of the two communities need to be mended to reduce the level of anger and bitterness against the members of the other community. For instance, the peace meetings can focus on the people in the remote areas of Baragoi as they are likely to fight with the other community members.

The participants also faulted the poor political leadership in the area, contributing to the escalation of conflicts between 2010-2020. Therefore, the political leaders should be vetted to ensure that instead of incitements, the leaders focus on restoring the broken relationships between the two communities. The findings also revealed that the outreach to the people in the villages was minimal. Therefore, the influence of the elites is key in instigating better relationships between the communities, which will also contribute to a change in practices. Hence, it is essential to educate people to promote peace and depart from the past hurt that characterizes the relationships between the two communities. The participants also highlighted their desire for peace in the area, which proves that effective strategies fostered on peaceful coexistence between the two communities would also be vital in ending the conflicts in Baragoi. Therefore, adequate assessment of interventions is necessary to determine the best strategies that can be applied in the area.

A long-term strategy that can also be applied in the area is fostering the education of children to limit the overdependence on livestock in the future, which is a significant factor in contributing to the violence in the area. As a result, a generation of individuals with diverse interests and careers will be raised, which will minimize the culture of livestock rearing as the primary source of income. In so doing, the communities will learn to coexist peacefully with each other as conflict triggers will be minimized.

Finally, while it is challenging to implement the tenets of restorative justice in the area effectively, contextualization of restorative justice mechanisms is necessary to facilitate its efficiency in the area. For instance, the findings revealed that it was unclear which community could be the perpetrators and which one was the victim. Therefore, instead of labeling the communities as victims or as offenders, they should be addressed to heal their past hurt and traumas to facilitate peaceful co-existence with the other community.

Areas for Further Research

The study suggests that further research should be conducted on the healing and restoration of communities that have been in conflict with each other for decades. While it is easy to overlook the past hurt and atrocities, the memories of past events and bitterness are evident factors contributing to violence between the communities. Therefore, studies and extensive research on the healing and restoration of individuals who have been affected by conflicts are necessary as a starting point in the conflict transformation process, which may offer lasting solutions to the conflict experienced.

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APPENDICES

Appendix A: Researcher's Letter of Introduction to Respondents

My name is Ronoh Lilian Chemeli, a student at Daystar University pursuing a Masters of Arts in Diplomacy, Development, and International Security. I am currently writing a thesis on the topic "Exploring the Feasibility of Restorative Justice in Resolving Inter-Ethnic Conflicts in Baragoi Sub-County." Please answer the following questions, which will be helpful for my research to address recurrent inter-ethnic conflicts in Baragoi Sub-County. Your responses will be strictly confidential. Thank you.

Appendix B: Informed Consent Letter

Dear Respondent,

The study addresses the long-standing conflict between the Samburus and the Turkana communities in Baragoi Sub-County and aims to provide a solution that will mitigate the conflict. When you enter agree to this, you will be requested to participate in a Focus Group Discussion made up of six to eight individuals from the community. Your participation will involve one meeting, approximately two hours in length. There are no known risks involved in participating in this study, and the meetings will be conducted in a safe environment. Your participation in this study will enable you to understand better how the relations between Turkana and Samburu communities can be improved. All the information will be confidential, and no identifying information will be used in reporting the data. Subjects will not be compensated for participating in the study; however, refreshments will be offered during the meeting. Your participation in this study is voluntary, and you are free to withdraw from the study if you wish, and you will not incur any costs by participating in this study. By checking any of the boxes below, you authorize the researcher to use records and findings for educational purposes and publication.

I voluntarily agree to participate in this research program.

□ Yes

□ No

Signature_____

Appendix C: Interview Guides

Interview Guides for Key informants

1. In your observation, what are the main causes of conflicts in Baragoi Sub-County?

    a. Has any action been taken against the perpetrators of these conflicts?
    b. What are some of the impacts of conflicts in this area?

2. What, in your opinion, makes the conflicts in the area so persistent?
3. Is there a link between politics in the area and the violent conflicts between the communities?
4. What are some of the interventions used to mitigate conflicts in Baragoi Sub-County?

    a. In your opinion, have these interventions been effective? Why?

5. Do you think a different approach to justice and reconciliation be effective in ending conflicts in the area?

    a. What do you think should be done to mitigate conflict in this area?

6. Has the national government done enough to mitigate the conflict?

    a. If not, what do you think they should do?

7. What are the successes and the failures of the government in mitigating this

    conflict?

8. What do you think would bring a lasting solution to the conflict in the area?

9. What would you say is the future of Baragoi in regards to the conflict experienced?

10. How do these violent conflicts contribute to underdevelopment in the area?

Interview guides for Victims of the Violence

1.   What circumstances caused your injuries?

2.   How has this affected your life?

3.   What do you think contributes to the violent conflicts experienced in the area?

4.   How have the people who engaged in criminal activities been punished?

5.   Do you believe that these individuals are remorseful for what they did?

6.   Have you been involved in any efforts in reconciliation?

7.   Would you be willing to meet up with the perpetrators to discuss the reconciliation process?

8.   Would you be willing to forgive the people who hurt you?

9.   Do you think the perpetrators of the conflict are willing to compensate the victims for the harm caused?

10.   Would you participate in a restorative and healing process meant to achieve reconciliation between you and the perpetrators?

Appendix D: FGD Interview Guide

Question	Answer
In what ways have you experienced conflict?	
How has the conflict affected your relationship with the other communities in your area of residence?	
Are there inter-communal peacebuilding mechanisms between your community and the neighboring pastoralists groups?	
In your opinion, what do you think will bring lasting peace in this area	
What actors are involved in ending the tension between communities to prevent violent conflicts?	
What do you think are the main causes of conflict in the area?	
In what ways has the government attempted to resolve the conflict in the area. In your opinion, do you think this has been effective? Why do you think so?	
What are the impacts of the conflicts on security in the area?	
What do you expect to see in the future regarding the relationships between the Turkana and Samburu in this area?	

Appendix E: Observation Checklist

ITEMS	NEVER	OFTEN	ALWAYS
Frequency of conflicts			
Visits by the representative of NGOs			
The use of communal courts			
Participation of law enforcement officers in conflict resolution			
Interactions between the Turkanas and Samburus			
Participation in inter-cultural activities			

Appendix F: Introduction Letter from Daystar

Wednesday, May 5, 2021

The Director General
National Commission for Science,
Technology and Innovation
P.O. Box 30623 – 00100
NAIROBI – KENYA

Dear Sir/ Madam

RE: LILIAN RONOH CHEMELI (19-0121)

The above named is a MA student in the Department of Peace and International Studies at Daystar University. She has successfully defended her thesis proposal entitled **"EXPLORING THE FEASIBILITY OF RESTORATIVE JUSTICE IN RESOLVING INTER-ETHNIC CONFLICTS IN BARAGOI SUB-COUNTY, 2010-2020."** I would be grateful if you could grant her a research license to enable her undertake her field research.

Yours Sincerely,

Mrs. Sylvia Wakene Muriuki
HoD, Department of Peace and International Studies

Appendix G: ERB Clearance

VERDICT: APPROVAL WITH COMMENTS

Daystar University Ethics Review Board

Our Ref: DU-ERB/13/07/2021/000544

Date: 13ᵗ July 2021

To: Lilian Ronoh Chemeli

Dear Lilian,

RE: EXPLORING THE FEASIBILITY OF RESTORATIVE JUSTICE IN RESOLVING INTER-ETHNIC CONFLICTS IN BARAGOI SUB-COUNTY, 2010-2020

Reference is made to your ERB application reference no. 120721-01 dated 12ᵗʰ July 2021 in which you requested for ethical approval of your proposal by Daystar University Ethics Review Board.

We are pleased to inform you that ethical review has been done and the **verdict is to revise to the satisfaction of your Supervisors before proceeding to the next stage.** As guidance, ensure that the attached comments are addressed. Please be advised that it is an offence to proceed to collect data without addressing the concerns of Ethics Review board. Your application approval number is **DU-ERB-000544.** The approval period for the research is between **13ᵗʰ July 2021 to 12ᵗʰ July 2022** after which the ethical approval lapses. Should you wish to continue with the research after the lapse you will be required to apply for an extension from DU-ERB at half the review charges.

This approval is subject to compliance with the following requirements.

i. Only approved documents including (informed consents, study instruments, MTA) will be used.
ii. All changes including (amendments, deviations, and violations) are submitted for review and approval by Daystar University Ethics Review Board.
iii. Death and life threatening problems and serious adverse events or unexpected adverse events whether related or unrelated to the study must be reported to Daystar University Ethics Review Board within 72 hours of notification.
iv. Any changes anticipated or otherwise that may increase the risks or affected safety or welfare of study participants and others or affect the integrity of the research must be reported to Daystar University Ethics Review Board within 72 hours.
v. Clearance for export of biological specimens must be obtained from relevant institutions.
vi. Submission of a request for renewal of approval at least 60 days prior to expiry of the approval period. Attach a comprehensive progress report to support the renewal.
vii. Submission of a signed one page executive summary report and a closure report within 90 days upon completion of the study to Daystar University Ethics Review Board via email [duerb@daystar.ac.ke].

Prior to commencing your study, you will be expected to obtain a research license from National Commission for Science, Technology and Innovation (NACOSTI) https://oris.nacosti.go.ke and other clearances needed.
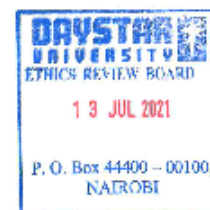
Yours sincerely,

13ᵗʰ July 2021

Sr. Prof. A. L. Lando PhD
Chair, Daystar University Ethics Review Board

Encl. Review Report

ETHICS REVIEW BOARD
1 3 JUL 2021
P. O. Box 44400 – 00100,
NAIROBI

Appendix H: NACOSTI Research Permit

REPUBLIC OF KENYA

NATIONAL COMMISSION FOR SCIENCE, TECHNOLOGY & INNOVATION

Ref No: 908790

Date of Issue: 19/July/2021

RESEARCH LICENSE

This is to Certify that Miss.. Lilian Ronoh Chemeli of Daystar University, has been licensed to conduct research in Samburu on the topic: EXPLORING THE FEASIBILITY OF RESTORATIVE JUSTICE IN RESOLVING INTER-ETHNIC CONFLICTS IN BARAGOI SUB-COUNTY, 2010-2020. for the period ending : 19/July/2022.

License No: **NACOSTI/P/21/11913**

908790

Applicant Identification Number

Director General
NATIONAL COMMISSION FOR
SCIENCE, TECHNOLOGY &
INNOVATION

Verification QR Code

NOTE: This is a computer generated License. To verify the authenticity of this document,
Scan the QR Code using QR scanner application.

Appendix I: Ministry of Education Clearance

REPUBLIC OF KENYA
MINISTRY OF EDUCATION
STATE DEPARTMENT OF EARLY LEARNING AND BASIC EDUCATION

Telegram: "EDUCATION", Samburu
Fax No: 06562413
E-mail: cdesamburu@gmail.com
When replying please quote

COUNTY DIRECTOR OF EDUCATION
SAMBURU COUNTY
P.O. BOX 327 - 20600
MARALAL

REF: CDE/SBUC/GEN.8 /VOL.1/99

28th July, 2021.

LILIAN RONOH CHEMELI
DAYSTAR UNIVERSITY
NAIROBI

RE: AUTHORITY TO CONDUCT RESEARCH.

The bearer of this letter Ms. Lilian Ronoh Chemeli a student at Daystar University has been granted authority to conduct research on :**Exploring the Feasibility and Restorative Justice in Resolving Inter–Ethnic Conflicts in Baragoi Sub County-Samburu County.**

Therefore the purpose of this letter is to request you to accord her the necessary assistance.

OMONDI .A. ERICK
FOR: COUNTY DIRECTOR OF EDUCATION
SAMBURU COUNTY

C.C: SUB COUNTY DIRECTORS OF EDUCATION
SAMBURU NORTH

Ms LILIAN RONOH CHEMELI

Appendix J: Anti-Plagiarism Report