

# Re – Thinking Pastoral Resource Conflict Persistence Through the Lens of Marginalization: The Case of the Pokot and Karamojong Since 1894

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**Abstract-** Banditry is one of the biggest security challenges currently facing Kenya and East African sub-region. The practice is creating great concerns and has resulted into loss of human lives, stealing livestock, destruction of property and dislocation of populations. The thrust of the paper is, rustling and banditry has contributed to a state of violence and lawlessness thus creating insecurity and threatening lives of the residents. The availability of weapons in the hands of bandits has not only contributed in fueling instability, lawlessness and conflict but also pose a threat to sustainable development. Geopolitical issues that wrap together poverty, political instability and lawlessness. The states are found caught up in the whole issue to provide effective control leaving the perpetrators to have a field day. The scenario is given impetus by the fact that bandits have transformed their operations becoming more sophisticated, militarized and destructive. The rapture of the vice is traceable through colonialism and post colonial period. In the concluding reflection measures are recommended for the governments to eradicate the problem.

**Index Terms-** Cattle raids, rustling, banditry, Marginalization, Kenya, Uganda, North Eastern and West Pokot frontier.

## I. HISTORICAL BACKGROUND: LEGACY OF COLONIALISM

The historical event which culminated into the actual arrival of colonial rule in eastern Uganda and western Kenya was the declaration of the British protectorate over Uganda in 1894 and Kenya in 1895 (Kwamusi,1996). This was in fulfillment of the Anglo-German Agreement of 1890 (Heligoland treaty) in which Uganda became a British sphere of influence (Entebbe archives, 1901). At this time, western Kenya formed part of the wider region of eastern Uganda. Consequently, it was the 1894 declaration that ushered in British imperialism in Karamoja and Kenya thereafter. This led to significant administrative changes through the imposition of British imperial authority over the various communities in the region.

### The colonial officer's perceptions and Act of Marginalization

Right from 1894, the early British Colonial Officers in Kenya and Uganda had intolerant ideas and views about West Pokot and Karamoja. For instance, William Grant, Hesketh Bell and Colonel Colville (the British colonial officers in Uganda) described northern Uganda and Kenya as areas where the British will only fritter away their resources without any reward

(National Archives Entebbe, 1902). Consequently, the extension of the British imperialism into northern Kenya and Uganda took a gradual process that was completed much later than was the case in the southern regions.

According to Ogot (1968) and Kabwegyere (1981), these areas were perceived as marginal in two main ways. First, they are dry and sparsely populated and thus did not strike the British as regions that could offer any economic value. For instance, when the new British Commissioner to Uganda Hesketh Bell visited the regions in 1906, he was not impressed by both northern Uganda and North western Kenya describing them as regions with little or no promise of successful development. He said, "I cannot think of a single product that might be grown here which will pay for the cost of carriage to the seaboard." (National Archives Entebbe, 1910). Second, the inhabitants of the regions particularly the Pokot and Karamojong were perceived by the colonizers as uncivilized, war like, and hence had little to contribute to the development of their areas.

In most cases, they were unwilling to submit to colonial authority. Therefore, in the colonizers' view, the two northern areas only offered heavy expenditure without any economic reward. Besides, their decentralized and small scale political organization did not impress the British at all. As Barber (1968) puts it,

"No tribe in northern Kenya and northern Uganda had an effective Central political leadership to make it powerful enough to capture attention of the British. At best, they were seen as potential threats to British interests and as potential allies to share the burden of administrative expansion." p86.

The point to note here is that the change of guard where Lord Lansdowne succeeded Salisbury at the Foreign Office in London also came with a change of heart and policy on the British expanding to the north. On the same note, James Hayes Sadler who succeeded Sir Harry Johnson and Fredrick Jackson as the new Commissioner in Uganda had favoured Johnson's policy of expansion but was forced to abandon it very quickly due to opposition from London. Likewise, the British East African territory which bordered north east Uganda had little or no British activity (Ingham, 1957). For instance, Sir Charles Elliot who was commissioner in British East Africa between 1900 and 1904 had mixed feelings about expansion. With the exemption of the administrative post at Lake Baringo also known as "the place in the wilderness," Eliot never advocated for expansion for its own sake or administering an area because it is there Barber

(1968). He vividly expressed this when he wrote to Lansdowne saying that,

I am convinced that it is useless to spend lives and money on subduing the barbarous inhabitants of barren deserts... not unless it is absolutely necessary to protect our borders to allow the general movement of the protectorate not to be retrogressive (KNA, FOCP 1906).p46.

In effect, what Eliot had in mind was that given the fact that northern Kenya and northern Uganda had little if any economic value, they could only be brought under British control if there was external threat to the borders and for easy movement of the British officials and perhaps troops. Consequently, British activities in northern Kenya and northern Uganda were marked by a fierce opposition. For instance, by 1905, the position was still the same as Sir Donald Stewart, Eliot's successor in British East Africa had London's policy confirmed to him in a dispatch which read,

It is not the policy of His Majesty's Government to extend their practical administration over the remote parts of the protectorate until it is thoroughly consolidated around existing centres and stations as the advantages of getting small tax is not commensurate with the risks and expenses which such expansion would entail (K.N.A FOCP 8357,1904).p2.

However, as time went by, it became necessary for the British to extend their control in the areas north of Elgon and between the Nile and Lake Rudolf which is now Lake Turkana. This was in accordance to Johnson's view that expansion to the north was in itself desirable. On his part, Sadler had expressed the same view but stated that it should only be undertaken if it could not be avoided (KNA, 1906). It was not until there were ethnic based wars and constant attacks on the British officials by the Suk and Karamojong, the people referred to as 'quasi civilized', that the British made their control felt by pacifying them. The point to note here is that right from the beginning, the British imperialism in northern Kenya and northern Uganda was marked by poor relationship between them and the local people. This arose from the mistrust and how they perceived each other. To the Pokot and the Karamajong, the British were viewed as intruders or (*Ngiserukale*) in Karamojong out to interfere by maligning them in the context of entrenching their political authority and their way of life. To the Pokot and Karamojong, this was un-acceptable hence vehemently resisted. On their part, the British colonizers perceived the Pokot and Karamojong as pockets of disgruntled "primitive" people trying to resist the British "superior civilization" that had been "accepted" by the majority. It was for this reason that the two communities engaged the British colonial authority in persistent wars.

Despite the fact that the Pokot and Karamojong were perceived as primitive, their regions were gradually incorporated into colonial Kenya and Uganda respectively. For instance, in 1897, the British were compelled to abandon their halfhearted policy of occupation of East Africa. This was after the Sudanese troops, presented their grievances of low pay at Eldama Ravine in the Kalenjin territory, inadequate, and delayed basic needs to Macdonald who was a British official in the area (Karugire, 1980). When their grievances were not settled, they killed three British officials on their way to Buganda with the intention of toppling the British and establishing themselves as rulers of the region. According to Karugire (1980), the British only managed

to defeat the Sudanese in 1899 after receiving assistance from Nabongo Mumia and Nandi mercenaries when he stated that "the idea to ask for reinforcement from Mumia and the Nandi came about after it emerged from the British colonial circles that the Sudanese could easily team up with the 'war like' communities of Pokot and Karamojong". To ensure that the British remained in control of northern Kenya and northern Uganda, Colonel Colville who was in charge of the colonial administration in Uganda, dispatched Velvet Spire in 1894 to establish an administrative post in Mumias and Karasuk (Ochieng, 1986). The setting up of administration posts in Mumias and Karasuk areas was purposely for opening up the Kavirondo and the turbulent Rudolf region even though they were perceived as areas with little or no economic significance to the British. However, the major turning point in the colonial government's attitude to the Pokot and Karamojong regions was in the years after 1900. This was prompted by fighting in the region. First, was the colonial government's report of 1900, which revealed the fierce ethnic fighting to control the lucrative ivory trade that had been on going in the region (National Archives Entebbe, 1910). This report indicated that the British interest in the two protectorates was under intense threat from the Ethiopian Emperor, the ivory hunters as well as from the fighting communities (National Archives Entebbe, Doc No. 106). Consequently, a touring officer was appointed by the acting Governor of Uganda Stanley Tomkins to check on Ethiopian intrusion and poachers in Karamoja and Turkwell South of latitude 30<sup>0</sup> N. The officer had the duty of controlling ivory trade as well as to enter into negotiation with the northern communities to stop their ethnic conflicts as it had been observed by the colonial authorities that they persistently raided each other all year round.

The Ethiopian threat to the British was made real when, in 1891, Emperor Menelik sent a circular letter to the European powers (Britain included) declaring that he intended to extend his empire to its traditional limits of Khartoum in the west and Lake Victoria in the South. This was confirmed by Sir Rennell Rodd who had been sent by the British government in 1898 to negotiate with Menelik when he wrote to Salisbury: "I am convinced of the fact that Menelik is straining every effort to bring under his sway all the countries he lays claim to in his proclamation of 1891" (National Archives Entebbe, A106). It is important to note that Menelik's claim and threat went into the years after 1900. It was this that compelled the colonial government to change its policy of 'concentration' or keeping the British occupation to the more "economically viable" south to that of "expansion" into the north.

Subsequently, Governor Fredrick Jackson in 1902 extended the British authority and control in Karamoja and Rudolf areas by sealing the administrative loopholes and vacuum that were initially exploited by poachers and Menelik's forces. In 1903, Jackson reported that the entire country lying West of Lake Rudolf and for some distance South is continuously swept by raiding bands of Abyssinians or Ethiopians and this had to be stopped (Barber,1968). From this time onwards, the colonial government then viewed the North more positively as a source of revenue though not for a long time. This was because most fortunes from ivory trade went to individuals and not to the government. Besides, the colonial government could not rely on

revenue from ivory as the elephants had been depleted through destruction by poachers.

Second was the prevalence of inter-ethnic raids, which forced the colonial government to change its attitude towards the pastoral communities in the region. The emphasis was then not how economical the region was to the British but how effectively the areas could be put under British control. This came about after reports were made about the ethnic fighting in the area. For example, in 1903, T. Grant, an administrative officer in Karamoja reported tribal raids for goats, cattle and sheep and in 1906, H. Rayne, a police officer, made a full report of the unlawful activities in the area. In 1908, Lieutenant Fishbourne also wrote about the people living in northern Uganda and northern Kenya stating that though they are “excitable, they like interfering and fighting” (National Archives Entebbe correspondence file No.32/10, 1911). The point to note here is that the colonial governments in Kenya and Uganda did nothing to end cattle raids and inter community fighting except for 1919. In 1919, the only attempt to curb or probably end the incessant inter-ethnic wars in Northern Kenya and Uganda, the colonial government called for a peace conference in Karamoja (Gulliver, 1955). It involved elders and chiefs from Suk, Karamojong, Turkana and the Bantu and Nilotic elders from Bukedi (National Archives Entebbe, No. A46/871). However, this conference failed to achieve its objective of bringing harmony between the hostile communities particularly between the Pokot, Karamojong and Turkana. Two reasons have been advanced for the botched conference. According to Mkutu (2008), the first reason for the failure of the conference was the fact that the colonial government lacked viable alternatives to cattle raiding and commitment to African livestock development. He argues that the latter was vehemently opposed by the colonial government due to the competition it was imagined it would offer to the white settlers. Now, the white settlers were the colonial administrative partners in revenue generation for the colony. As such, the development of the African livestock sector as a way of ending cattle raiding and the insecurity that it caused was regarded by the colonial government as a “minor factor” in their development agenda. In fact, they were comfortable with the status quo.

Karugire (1980) argues that the second reason was the use of administrative variant of chiefships as the full-blown village based despots. The chiefs were meant to replace the council of elders in the case of stateless societies like the Karamojong and the Pokot. In Uganda for instance, chiefships were only instituted in communities that could not adapt the *Kiganda* model of political administration which the British had wanted to export into all parts of the protectorate (Karugire, 1980). The *Kiganda* Model had received a lot of accolades from the colonial administration as probably the most viable and cheapest political organization as compared to the decentralized system. To the British colonial administrators, the latter was defined in terms of what political institutions they lacked rather than in terms of how they organized their political life. Consequently, the Pokot and the Karamojong systems of governance, which fell in this category, did not strike the colonial officials as appropriate for collective presentation of law and order, administration and the protection of human rights among people.

The British use of indirect rule with local chiefs as their main instruments of administration in East Africa Protectorate and Uganda only epitomized their politics of manipulation and division in these areas. As a result, the appointed chiefs were an integral part of the new system of alien rule but were hated, ridiculed and rebuked by their subjects. This kind of situation was caused by the fact that the colonial authorities in Kenya and Uganda had mandated the chiefs to undertake administrative and executive functions for which there was no precedent in their ethnic organizations. Cases in point were, first, when they presided over judicial cases in the villages, a privilege that was accorded only to the elders’ *po* in the case of the Pokot. Second, was when they forcefully carried out the colonial government’s disarmament order on their subjects. This came about after the British signed the Brussels Arms Regulation Treaty in 1890. Consequently, the British colonial governments in the two protectorates implemented what became known as the firearms ordinance in 1903 as a way of fulfilling the Brussels Treaty (National Archives Entebbe, 1911). Therefore, the 1903 firearms ordinance permitted the colonial chiefs to disarm the Karamojong and Pokot to what these locals referred to as an ‘acceptable level’.

The worst scenario was that the chiefs acquiesced the new political arrangement to exacerbate division in West Pokot and Karamoja areas (Mamdani, 1996). Besides, the chiefs retained their firearms as they maintained a monopoly of force in northern Kenya and north Eastern Uganda. A church leader from Alale indicates that in contrast to what was expected, the chiefs used their firearms as instruments of vengeance on their old and new rivals and not for ensuring peace and order. As such, the colonial disarmament in Karamoja and West Pokot areas created serious imbalance as not all people in possession of illegal firearms were disarmed and this enhanced rather than curbed the raids and violence between these communities.

The large presence of the colonial chiefs at the Karamoja Peace Conference meant to create harmony between fighting communities only led to failure of the conference even before it commenced. The problem of the acquisition and misuse of small arms in northern Kenya and northern Uganda was due to the European, Swahili, Ethiopian and Nubian incursions into these areas in search of elephant tusks. These foreign traders gave the local people guns to hunt down elephants while others exchanged them with elephant tusks. As a result, almost every community in northern Kenya and northern Uganda that were in contact with these ivory traders became armed with guns, hostile to each other and later to the British. It was this kind of situation that was used to justify the stereotyping of the Pokot and Karamojong as being “war mongers”, yet this was the outcome of their interaction with foreigners such as ivory traders.

Given the fact that northern Kenya and northern Uganda areas largely remained arid or semi-arid, sparsely populated and relatively “volatile” to the British colonizers, between 1902 and 1960 the two regions remained “closed districts” (Zwanenberg, 1975). Consequently, apart from the established administrative and military outposts, who were purposed to pacify the local people, there was little if not nothing in terms of development that the British colonial government did in these areas. In any case, the leaders of the two protectorates and later colonies, Sir James Hayes, William Grant, Charles Elliot, Edward Northey,

Fredrick Jackson, and C.W. Hobley, were all under instruction from the British Foreign Office in London to concentrate on the “economically viable” areas in the two colonies. This kind of situation drew support from a detailed Foreign Office dispatch to the commissioners of East Africa and part of it, which read, “You will bear in mind that in the opinion of His Majesty’s Government, it will not be desirable to push too quickly amongst tribes in outlying districts who have little to offer of commerce and have not yet accustomed to the sojourn of the white man. Such tribes should rather be attracted to larger centres where they will see the work of civilization in progress and begin to appreciate its advantages” (National Archives Entebbe, 1930).

Based on the foregoing, the northern Frontier District of Kenya and Karamoja remained not only peripheral but also marginalized throughout the era of British colonization in Kenya and Uganda. This not only hardened the Karamojong and Pokot ethnic consciousness and belief but also changed their perception both on the colonizers as well as the citizens. The situation was that they considered themselves heroes who were able to block the White man from interfering with their culture or as second rate citizens who were abandoned during the White-man’s development moments.

Consequently, the Colonial government’s position of classifying these areas as either “closed” or “restricted” not only interfered with the ties between neighbouring communities, but also with how these communities perceived colonial administration as well as those of the post independent regimes. It is perhaps this that has led to cross-border incessant raids and rustling that has persisted to date. Due to the colonial marginalization policy, the idea of attracting the peripheral communities to centers of “civilization” or development was self defeating. In addition, the colonial government’s introduction of land tenure system in Kenya and Uganda had far reaching effects on both the Karamojong and Pokot. For instance, the 1954 Swynnerton Plan introduced the concept of title deeds for the first time in Kenya. It was purposely meant to integrate the pastoralists by creating group ranches where the title gave security to each group while circumventing their ability to access pasture (Mkutu 2003). As a result, the creation of group ranches meant confining the Pokot of Kenya to small pieces of land, which was detrimental to their pastoral activities. It also meant that they were to keep only few herds for themselves.

The two regions have remained predominantly pastoralist in orientation like many other parts of Kenya and Uganda. Their economic disparity with other parts in the two countries are discernible poor infrastructure, poor roads in vast areas, inadequate and dispersed health facilities, poor telecommunication services, bad schools and no electricity to mention but a few. The regions seems to be so neglected that one hardly identifies government presence in the remote villages.

The day to day life of the inhabitants of these regions is in reality a tale of constant interaction with poverty and insecurity appears in multiple forms; the incessant conflict with neighbours over land, water and pasture, fear of famine and starvation, fear of destruction and loss of life among many others. In other words, the majority of people in the regions are destitute, poor and lack the means of empowerment.

Although banditry in north-east Uganda and North West Kenya cannot be said to a direct byproduct of British

colonialism, it is important to note, however, that the British divided Kenya and Uganda into three regions. The first were the developed while highlands in Kenya and central Uganda in Uganda were the less developed native lands also providing a source of cheap labour. Lastly, were the frontier or closed districts the frontier or closed districts of North West Kenya and Eastern Uganda. In their quest to carve out the white highlands the British took some of the most arable lands of the Pokot and other parts of the Rift Valley. The Pokot were herded to the more drier parts where their livelihood depend on pastoralist. Other sections in the Rift Valley suffered similar experiences. The British administration did not do much to redress the conditions or those dispossessed. The Pokot and their neighbours henceforth became exposed to conditions of hardships as they came face to face with colonialism. The spread of rustling within this period must therefore be understood to have been resorted to as a coping mechanism by those dispossessed and marginalized. Ocan (1994) has aptly said, as access to land shrunk and population of animals and people increases in restricted areas, it strains on the available resources an the natural response has been to resort to cattle raiding.

Moreover, during the colonial period, the area’s potential in agriculture and livestock development was under exploited while Karamojong and Pokot ethnic communities were socially isolated from the mainstream Kenya and Uganda societies except when used to perform traditional dances for entertaining tourists and visiting government officials KNA (1933). So right from the advent of colonial the two tribes retained a devastating means of conducting organized violence while economic and political isolation of their geographical region during colonization and after provided them with the motive and opportunity Mburu (1984).

The official policy of the colonial state was skewed towards developing settler agriculture. Peasant production and pastoralist played a second fiddle. Frantic efforts were made to discourage the two sector. One such effort was demarcation of tribal reserves which apart from appropriating fertile lands for white settlements also created borders. The borders limited free access to grazing land and water hence creating social conflict among pastoraists. The borders also hindered movement of people and livestock and thus affecting the pastoralists mode of life. Other impediments to pastoralism brought about under colonialism were imposition of market taxes, quarantine laws, destocking campaigns all aimed at depastoralising the communities. The onset of the 19<sup>th</sup> century witnessed steady transformation within the modes of the Karamojong and the Pokot as they adopted transhumance. The adoption of transhumance came with accompanying problems namely, rise of hostilities among various groups competing over grazing grounds. Moreover the loss of animals during droughts provided justification for raiding to restock the herds.

Northern Kenya and North Eastern Uganda were closed district during the colonial period and were administered by military officers. This had negative effects on the social, economic and political developments of the pastoral communities. Whenever there occurred a raid, the government would send punitive expeditious against the suspect groups. Many human casualties resulted from such expeditions besides loss of livestock through confiscation by the authorities.

Measures taken by the administration on Africans solicited equal measure of resentment against colonial rule.

Since livestock keeping remained the mainstay for the pastoralists, it was prudent that they protect their livestock from wild animals and human thieves. It was necessary therefore for them to be armed. The British perceived them to be warlike and hence a threat to colonial authority. The administration used this perception as a justification to put a close watch over the Karamojong and the Pokot. Perceiving them as war-like was a way of creating an enemy image and using it as an ideological justification for counter aggression Markakis (1993). The myth that nomadic communities are traditionally warlike and aggressive seems to have gained international currency among a section of extreme anthropologists who have studied the role of stock rustling, territorial expansion, ritualized and actual war in pastoral community. They claim that it is through war with neighbours that certain clans gain their identity and sense of being Mburu (1984). An easily observable characteristic of pastoral people is the way they casually but proudly carry offensive weapons around. It is easy to assume that the unusual cultural phenomenon that concern external experts-pastoral warrior clan systems, age grade systems, pride of war traditional raiding are the main reason for the fullblown wars, banditry and breakdown of state law and order and have been characteristic of Africa's arid areas. If this is the case the only way to solve the insecurity problem is to thoroughly change the pastoralist cultures and discarding traditional ways!! Mburu (1984) It was in this light that government officials and their African collaborators believed that the only way to deal with cattle raids and rustling was to use brute force Osamba (1994).

### **Marginalization in the post independence since 1962**

The history of post-colonial Africa is replete with accounts of socio-political and economic conflicts most of which arose from marginalization. The phenomenon of marginalization and conflict have over time been explained largely in terms of old hatred and rivalry between and amongst communities and political parties in post-independence Africa (Nasongo 2000). Of great concern have been the contests between the pastoralists and agriculturalists in what Turton (1994) describes as cattle raiders against the more industrious and progressive farmers.

In Africa, the concept of marginalization and patron client loyalty was actualized by the post –independence leadership who were keen to favour their people as they excluded those they perceived as their opponents. In Kenya and Uganda, this was illustrated by the entrenchment of politics of ethnicity and regionalism in which one-man rule was a characteristic feature of political headship. For instance, four years into independence in Uganda, Prime Minister Milton Apollo Obote suspended the constitution, deposed Edward Mutesa and adopted a new constitutional order with himself as executive president (Mazrui 1972). In a similar way, Jomo Kenyatta (Johnstone Kamau) instituted a series of constitutional amendments that reversed the Majimbo constitution and adopted a republican state with all powers centered in his presidential office (Ghai et al 1970). All these were grounds on which the politics of patron-client loyalty and marginalization were to be perpetuated. From this time hence-forth, state resource allocation and development in Kenya and Uganda depended on how well a region related with the

president. And his political cronies this then marked the point of departure for marginalization in post-independence Kenya and Uganda. The post-independence period in Kenya and Uganda thus replicated the colonial policies while dealing with the Pokot of Kenya and Karamojong. Given the fact that these pastoral communities refused to abandon way of life, the Obote I and Jomo Kenyatta governments continued from where the colonial authorities left by using immense force on the two communities. In Uganda for instance, the Obote I government demarcated part of the Karamoja grazing territory of the Dodoth and turned it into what is today the Kidepo Game Park, hitherto a grazing reserve for the Karamojong (Onyango 2010). Similarly, during the process of demarcating district boundaries, part of the Karamojong grazing reserve was curved out and placed in Teso District (Gatrell 1988). Of great concern to the Karamojong was the new governments' policy of confiscating their cattle as a way of subduing. Yet another concern was the government's implementation of the 1958 Special Regions Ordinance Act 19, which had given the Provincial Commissioner of Karamoja the power to declare any section of the region a prohibited area (National Archives Entebbe, A3/131 1964). The point to note here is that this was only applicable to Karamoja and not any other part of Uganda. For instance, the other pastoral groups such as the Ankole had their area intact yet it was also suitable for the creation of a game park. Besides, it was only the Karamojong area that experienced a loss of territory during the creation of districts.

When the Obote I government implemented the 1958 Special Region Ordinance Act 19, this emerged as the first marginalization policy by the new government on the Karamojong as it did not only delineate Karamoja from the rest of Uganda but also restricted the movement of both cattle and humans in the region. In effect, this legislation expelled all the traders from the district and the result was that the Karamojong became cut off from any form of external contact or influence (Onyango, 2010). In addition, it required that the Karamojong swear peace bonds, which committed them as a group, to ensure that no one amongst them engaged in acts of violence. The breach of this pact through cattle raids would result in the entire community being punished through the confiscation of cattle as a "collective fine" (Republic of Uganda 2007). This measure however did not stop cattle raiding. If anything, oral accounts indicate that it triggered more raids especially across the international boundary that was porous and poorly patrolled. In their view, the bond was only operational within the state of Uganda and therefore did not stop them from raiding across the border and escalating conflicts with the Pokot in Kenya.

Marginalization of the Karamojong was worsened when the Obote I government and other regimes amended the laws in Uganda. For instance, the Karamoja Amendment Act of 1964 was amended by Cap 314 Act of 1970 (Section 241) and repealed by the Special Regions Act (Cap 306) in the 1996 Revised Laws of Uganda (Republic of Uganda, 2006). By and large, the amendment and repealing of Special Regions Act were to prohibit cattle raiding and stealing in Karamoja. In addition, the government looked at it as a way of implementing its laws by providing effective governance. More importantly, the government was out to ensure that armament in Karamoja was put under check and control.

In 1971 when Idi Amin Dada took over power from Obote, the confiscation of cattle and use of force went a notch higher as the military employed brutal methods in dealing with the Karamojong. This was corroborated by an oral account that stating that Amin's army always went after the raiders with excessive brutality and vengeance. A further marginalization of the Karamojong during Amin's reign was witnessed in 1975 when the government passed a decree that changed the land tenure system in Uganda. The decree was that all land in Uganda was owned by the state in trust for the citizens (Mamdani 1996). This meant that all land in Uganda became public land and was, from 1975 henceforth, administered by the state. Consequently, the decree had far reaching effects on the Karamojong as their vast land, which initially was crucial for seasonal trans-humance was taken by the state. In Karamoja, such land was set aside for game parks, forest reserves, mission stations, or administrative centres (Bazaara 1994). The outcome of the decree was the reduction of Karamojong grazing land against the backdrop of increasing human and animal population. This perpetuated the vicious cycle of raiding and counter-raiding as a way of salvaging the region's chronic livelihood difficulties.

The years after Idi Amin was deposed from power saw the worsening of State - Karamojong relations worsen. This was because the different regimes that came to power never bothered to change the longstanding state of marginalization in Karamoja. In any case, they were more prejudiced about the Karamojong's military strength that saw them use a lot of coercive measures on them. For instance, the fall of Amin's government in 1979 saw the Karamojong, more particularly the dreaded Matheniko, re-arm themselves with sophisticated weapons that they looted from Moroto Garrison (Mkutu, 2008). The result was that the Matheniko together with other Karamojong sub-groups were now well armed at the expense of their neighbours hence capable of countering government troops. The wider picture of this situation was the escalation of cross-border resource based conflicts. In addition, the less armed groups took advantage of the security lapse in Uganda during the turbulent period to buy guns from traders as well as rebels and disgruntled army officers (Kwamusi 1996; Mamdani 1996; Mkutu 2003 and Onyango 2010). Convinced that all the regimes in Uganda were prejudiced against them, they now turned to defending their hard earned weapons for security, livelihood, and status purposes. In their opinion, the gun enabled them to maintain their pastoral identity and sustain their livelihood so they had to jealously guard it. The existence of small arms and light weapons in the hands of the Karamojong and their neighbours only exacerbated pastoral resource based conflicts more particularly across borders.

The coming to power of Yoweri Kaguta Museveni in 1986 did not change the Karamoja marginalization situation. Like the previous regimes, Museveni's government began its reign by instituting a disarmament programme in Karamoja. On ascending to power, the National Resistance Movement (NRM) drew up a 10-point programme as a solution to ending the political turbulence in Uganda (Satya 2004). The new regime's 10<sup>th</sup> point was known as the "Karamoja problem". The main aim of NRM's government was how to integrate the region into other parts of Uganda. They envisaged that this would be done through institutionalized structures of development in Karamoja. Consequently, a Ministry of State in charge of Karamoja

development was formed with a host of other developments lined up like the Karamoja Project Implementation Unit (KPIC) (Republic of Uganda, 1996). The projects were purposely meant to address the unique needs of the Karamoja. Nevertheless, all these existed on paper with a lot of their implementation dogged by corruption. For instance, the Karamojong Development Agency (KDA) which, was created by an Act of Parliament in 1987, was largely known for its failure in Karamoja (Oxfam Report, 2004). Similarly, the Ministry of Karamoja Affairs equally performed below par. This drew support from the New Vision newspaper, November 2009, which read partly that, "Even president Yoweri Museveni is aware of the failure of the ministry a fact that prompted him to appoint his wife (the first lady) to head the Ministry...to at least salvage the Karamoja neglect".

All these numerous ventures failed because of the topdown approach that lacked "township" from the Karamojong. The biggest challenge and major contributor to the failure of this Ministry were numerous. Part of it was on the fact that all its activities were centralized in Kampala, which is hundreds of miles away from Karamoja. The next was that Karamoja, for many decades, had never known any meaningful infrastructural development hence the terrain is ragged making communication very difficult. In addition, the Karamoja problem was further compounded by the fact that the NRM government allocated the Ministry of Karamoja Affairs meager resource that could not facilitate see its smooth operation. This has since left the Ministry cash strapped and unable to respond even to the smallest emergency in the region that is best known for crisis. The fact that there exists the Ministry of Karamoja Affairs, it lacks the structures and the goodwill from the Karamojong and the government to make it realize its goals. In a nutshell, Karamoja has never been a priority for any regime in Uganda including the NRM government. One oral account wonders why the NRM has forgotten about them saying, "We thought this government (NRM) was for us. We supported them while they were in the bush fighting Obote II and Okello. It is a pity they have turned their backs on us as the situation is now worse than bad."

This oral account reflects the levels of neglect and marginalization of Karamoja by the Museveni government. The worst of the situation was from the end of 1980s when the NRM government decided to arm militia groups in Karamoja as a strategy of fighting off the Lord's Resistance Army insurgents in northern Uganda (Satya 2004). As a matter of principle, this was to help them contain any rebellion in Karamoja as they policed the region. However, in practical terms, the government ended up drawing more actors into the crisis, which has contributed to the runaway insecurity and subsequent marginalization of the region. Unlike central, western, and southern Uganda that enjoys the government's goodwill through the provision of modern infrastructure, administrative facilities, and other social amenities, such facilities are only scattered in Karamoja. The few roads, schools, health facilities, government offices and security machineries in Karamoja are in a deplorable state.

In Kenya, the marginalization of the Pokot by the Jomo Kenyatta government was not any different from the Karamojong case in Uganda. As a concept, marginalization came from the fact that the African leaders in Kenya were conditioned by the

years of exposure to the colonial government whose legacy of marginalization they carried on. This was so because the KANU leadership had been co-opted and socialized in mechanisms and processes, which tended to concentrate in the more “economically” viable areas of the country. By treading on the familiar path and benchmark of colonial policy, the Jomo Kenyatta government became primarily concerned with and articulated the ideology of separate development where the interest of capital reproduced itself (Aseka, 2010). As result, remote areas such as those occupied by the Pokot became victims of marginalization by the national government.

As a way of ensuring that the country began on the same footing, the KANU government then came up with its First Development Plan (FDP) whose ideological blueprint was articulated in Sessional Paper Number Ten on African Socialism (Ndege, 2000). The content of this Sessional paper was that power and wealth in Kenya were to be disproportionately distributed between and with all Kenyans. Like in Uganda, these ideas remained on paper and were never implemented. The Jomo Kenyatta, Moi, and Kibaki governments found themselves more inclined to linking development to political regions or areas that did not oppose their leadership. It was on this ideology that they marginalized regions with Moi coining the popular phrase *siasa mbaya, maisha mbaya* (bad politics, poor livelihood).

Therefore, the recalcitrant nature of the Pokot of Kenya against the post-independence regimes saw them being classified as “anti-development.” As such, their marginalization continued during this period, which more often than not, came because of their persistent conflict with state authorities. As a result, during the last fifty three years into independence, the West Pokot region not only remains under developed but also knows very little of state security leaving the raiders as the *defacto* administrators of the region (Magaga and Ogalo 2012). An indication of state neglect of the Pokot can be summed up in the county’s food security situation. This has been vividly expressed by various humanitarian agencies like Action Aid, Red Cross, and World Vision that operate in the county. Whenever hunger strikes the area, concerns have been expressed regarding the governments’ poor attitude and reluctance to avert the problem (Oxfam 2014). One oral account confirmed that the region’s food problem remains an annual event because the government prefers it that way. Even when a rapid assessment carried out by the Kenya Red Cross society revealed that Pokot County’s household food situation was getting bad, the government waited until private media houses like citizen came up with the “Kenyans for Kenyans” initiative. This mobilized funds and food to the hunger stricken areas. Interestingly, the government was a late comer in this noble initiative (Oxfam 2004). An assessment carried out in 2012 by Oxfam concluded that the perennial food shortage in the region is attributed to many factors such as the climate and terrain but above all, the government’s neglect on its citizens in such regions.

On security, a member of the County Assembly in West Pokot indicated that in his Sub County of Sekerr with an estimated population of 34,000, there are hardly 10 police personnel, nor is there a court and that there was no presence of the government. In other words, the structures of the government existed on paper. His counterpart in Kapenguria confirmed that over the years, there has been one operational court situated at

the regional headquarters in Kapenguria. Statistics from the County Commissioners’ office also indicate that in the entire region, there are approximately 100 police personnel and on average of 18 police officers per Sub County. This is against the internationally accepted ratio of one police officer for 400 citizens (UN Security Council Report, 2000). This oral account confirmed that most of the security personnel were either stationed at the headquarters or at Sub County posts leaving most of the villages with serious security lapses. One political leader confided in us when he said that,

“We hardly live here... when raiders come it is terrible as there is no government security at all. For the few who dare come, they always hide on hearing gun shots. We don’t know why the government doesn’t want us to have guns yet they don’t protect us. We pray that one day God will give us a listening government but for now we and our children will just die in the hand of raiders”(March 11<sup>th</sup> 2012, Kapenguria).

The degree of marginalization in West Pokot has been such that the roads are in a deplorable state, schools and health centers have either been vandalized or closed down. There are no chiefs’ camps and police stations or posts are far apart. One teacher confirmed that the kind of situation in West Pokot is neither new nor strange as there has been no consistent government service for a long time. Instead, few non-governmental organizations occasionally carry out mobile operations that provide health services and food aid among others. The majority of people in West Pokot hold the view that no government initiated project has ever been completed with most of them remaining as white elephants. The most conspicuous ones are boreholes, chiefs’ camps, schools, and hospitals.

Still on security concerns, West Pokot remains one of the few areas in Kenya that is occasionally volatile and insecure for non-Pokots. This has sent ambiguous signals to the community with the implication being that they should take care of their own security. This has solidified their belief that the government has been unable to take care of this basic need (Kiflemarian 2002). The security neglect has over the years seen the Kenya –Uganda border remain porous, which has epitomized the level of sporadic bandit activities along it. Moreover, this kind of situation has for some time been perpetuated by the influx of small and light weapons, which the Pokot have always used for criminal purposes (Magaga and Ogalo 2012).

The Pokot generally assumed that the Moi regime (1979-2002) would offer them respite. This was on the ground that they were not only his staunch political supporters, but were part and parcel of the Kalenjin, Maasai, Turkana, and Samburu (KAMATUSA) ruling elite. However, there was soon a growing disquiet within their circles that they were not gaining much as compared to the other ethnic groups within the KAMATUSA conglomeration (Magaga and Ogalo 2012). In the view of the Pokot, it was the Tugen and Keiyo who benefited more from this regime. Their disappointment was not due to the fact that the regime failed to provide infrastructural development but that it did nothing to return their land that had been alienated to the white settlers in Trans-Nzoia and later bought by non-Pokots. Out of this discontent, in 2002 general election many of the Pokot voted against Moi’s preferred candidate Uhuru Kenyatta in what appeared as a ‘protest’ vote. By voting for the National

Rainbow Coalition (NARC) presidential candidate, they were not expecting development in their area. This was just a way of expressing their disappointment with the Moi government. In any case, they were convinced that, just like the late president Jomo Kenyatta did nothing to initiate development in their region, no presidential candidate from central Kenya would do that to them (Daily Nation May, 2004). One elder indicated that during the NARC and Jubilee governments, cattle raids and rustling have been on the increase.

The misconception that has pervaded the regimes in Kenya is that they have always approached the West Pokot problem from a political angle with a hope of solving it. For instance, both the Moi and Kibaki regimes assumed that appointing political leaders from the region into government positions would succeed at integrating the community into the nation state. This belief informed the appointment of Francis Lotodo, Samuel Moroto, Samuel Pughisio, John Lonyangapuo and Asman Kamama to different posts in the government in the hope that the Pokot would look at the government and its policies positively. The only problem with this approach was that the government forgot that these were people who were socially attached to their cultural values. In addition, the Pokot people cared less about politics, have little if any interest in formal education but instead have a lot of regard for their traditional leaders and their pastoral way of life. The appointment of individual leaders from the Pokot region has thus been a misconception and has failed to achieve its objectives. Given this failure by the previous regimes and the high level armament by the Pokot, the Uhuru Kenyatta government has remained wary of their intentions. In the meantime, runaway insecurity in Kenya's North Rift region continues unabated pitting the Pokot against their neighbours. Even after the promulgation of the constitution of *Kenya's 2010* that increased the number of representatives at county level and the devolution of basic services such as health and infrastructure, West Pokot still faces neglect and marginalization. It was expected that with the devolved government, poverty and marginalization in West Pokot would register reduce drastically. This was on account that the region's representation was significantly increased and it was also allocated a larger percentage of money in the new dispensation so as to bridge its economic disparity with the rest of the country (National Budget 2014).

It is important to note that all this was against the backdrop that previously, the national cake in Kenya was in the hands of the central government and West Pokot was one of the regions that complained about unfairness in the distribution of the national cake. Since 2013, the county government of West Pokot led by the governor Simon Kachapin has done little to radically change this trend. All indicators show that apart from a few government offices, hospitals or health centres and murram roads, West Pokot's development is still wanting. This goes against all expectations since the county government comprises of leaders from this locality who are familiar with the needs of the region. A report from Oxfam 2014 confirmed this situation when it indicated that it is perhaps in the education and security sectors that the reality of decades of marginalization are most evident although other social indicators of development are more or less dire. In the sector of education, for instance, the current situation is such that despite free primary and affordable

secondary education, many children from the region cannot go to school due to insecurity, inadequate and dilapidated schools that are far apart.

From the foregoing, the Pokot and the Karamojong are evidently victims of state neglect. Consequently, these people continue to struggle for meaningful development. They have undertaken this within the confines of social and ecological realities of their arid regions. Carter (1996) in his social cubism theory, states that marginalization is one of the factors that leads to dispute between and within communities. The case of the Pokot and Karamojong's cross-border resource conflict is a clear reflection of marginalization in the context that the neglect by the state had paved the way leaving a vacuum for these communities to fill. In this situation, the focus has been their debilitating and fierce struggle for the same resource.

As part of the theory's tenets, Carter (1996) states that in every society or bordering groups where some, if not all people are marginalized, it produces different access to resources which breeds conflict in such a society or group. Carter (1996) further states that in such situations, the marginalized group will often feel aggrieved, become emotional, tend to operate outside the law, use force to secure itself and get things they need. Right from the colonial era, all the regimes in Kenya and Uganda have failed to fully integrate these pastoral groups into their societies. This has left the communities socially and economically steeped in their leading to endemic resource conflict between them. One consequence of state neglect and marginalization of the Pokot and Karamojong is on the runaway insecurity in these regions. This has compelled these pastoral groups to arm themselves. The easy access to arms in the two regions has made life manageable for the local people and bandits yet causing serious stress to the Kenya and Uganda governments. Due to the fact that fire arms are cheap, banditry thrives in the endemic poverty that springs from neglect and marginalization by the existing state structures of Kenya and Uganda (Magaga and Ogalo 2012). Therefore, as a tenet within the theory of social cubism, marginalization of the Pokot and Karamojong emerges as a serious factor that has bred cross-border resource conflict between these two communities over the years.

In both West Pokot and Karamoja, the number of humanitarian agencies matches the activities, facilities and structure of the Kenya and Uganda government operations. In the process, the humanitarian agencies end up performing the government's roles and covering its inadequacies. For instance, in Uganda, Oxfam GB has for many years been funding short and long term projects in Karamoja to the tune of US Dollar 700million or 2.45 billion Uganda Shillings (Republic of Uganda, 2014).

In Kenya's West Pokot, the major humanitarian agencies out numbers DANIDA, World Vision, and Red Cross that run an annual budget of US dollar 1 million or 10 million Kenya shillings (GOK 2013). In both cases, these humanitarian agencies offer essential services such as water, food, health care, veterinary operations, as well as schools in the two regions. The major concern is why the two governments have not taken the initiatives to engage more development partners or agencies to assist the regions rather than burdening the few existing players. It has been on this account that these pastoralists have been convinced of their governments' prejudiced position about them



in the context of marginalization. This perception is based on the fact that the same governments have undertaken and completed several such projects in other parts of the country without the assistance of humanitarian agencies.

### Way forward

During the pre colonial period, there were clear methods employed to control war and peace. During the war elders from different clans would keep the option of peacemaking alive, partly through lively communication with rival clan elders. Reciprocal grazing rights. Mutual assistance during times of drought and exchange of livestock, wives and sons were methods used to carry on relationships with rival clans. Peace between the clans was celebrated ritually through symbolic meals, sharing and involvement of religious leaders.

Whereas colonialism broke down these traditional methods, African governments at independence relegated them further. It is important today for the government to think about reinstating these traditional and cultural institutions that would help regulate community behavior. The gerontocratic authority should be given more recognition and support by the government so that they play the role of inter-tribal arbiters. Clan home guards are deemed more effective in stamping out localized inter-clan banditry through proactive dialogue within the community as opposed to applying coercive methods using regular troops.

At another level eradication of banditry could start with a dedicated in-depth study of the problem itself. Physical environment, weather constraints and inexplicable epidemics have been contributive factors to the phenomena. Lawlessness can be eradicated if the government embarks on a serious economic development particularly in livestock industry. This could be done through provision of water through boreholes and dams, introduction of cattle insurance to cushion the pastoralists from livestock losses and introduction of group ranches that would control seasonal movements as a way of arresting conflicts related to pasture among many others.

There is need to create and deploy specialized regional task forces under the auspices of the East African Community to specialize more on counter banditry in the region. Currently the existing organization is built on the premise that regional integration is more feasible in the economic field which is a delusion unless security and political stability can be given equal measures of importance.

To stem out banditry requires one to identify and win the cooperation of the victims of banditry who would be used to provide vital human intelligence. Time and patience may be required to inculcate trust among the victims and to convince them of the government's unconditional commitment to their security and sustainable development. The highhanded approach adopted by the government in dealing with banditry must be given up completely if the confidence of the people is to be won.

## II. CONCLUSION

This paper has attempted to provide an analysis of problem of rustling and banditry in North West Kenya and North East Uganda Regions. Ecological factors have been identified as having a debilitating effect on pastoral economy thus making

lawlessness an alternative means of livelihood. The legacy of the colonial state had been seen as a contributor to rustling phenomena. Colonialism strained the economic relations of the pastoralists an appropriation in parts of north west Kenya dispossessed the Pokots and limited their access to land and brought strain on the available resources thereby naturally forcing the people to resort to other means of obtaining livelihood.

During the colonial period not much attention was given to either West Pokot or Karamoja region. Government policies became inimical to pastoralism which over the years remained unexploited. Instead measures taken were aimed at depastoralizing the region; imposition of market taxes, quarantine laws, destocking campaigns and punitive expedition exhibiting highhandedness all attracted equal measure of hatred from pastoralists. Pushed against the wall the Africans had no choice but to turn to banditry as a way of survival.

The post-colonial states in Kenya and Uganda have tended to ignore and neglect the welfare of the pastoralists in terms of development and distribution of political and economic resources. A more proactive and interactive approach need to be developed by policy makers that should go a long way to integrating the pastoralists within the nexus of the two countries modern economies. This method must be seen as the only avenue through which debilitating effectors of banditry can be slowed and eventually eradicated. Whereas surveillance must be exercised by the government, it should nonetheless desist from archaic forms of managing rustling namely; it must desist from applying highhandedness in wrestling banditry. This only hardens the bandits and exacerbates the vice.

The institutional of violence and the resultant insecurity have contributed to widespread poverty, hunger and destitutions in the region. The paper therefore argues that under the background of marginalization the two communities have been hardened and left to operate outside formal land. The paper ends with a way forward recommending that socio-economic and political instability be addressed which the root causes of banditry as well as the formation of regional mechanisms from pro-active resolution of tensions arising from the phenomena.

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