CATTLE RUSTLING IN KENYA: A REVIEW OF THE ROOT CAUSES, EMERGING TRAJECTORIES AND MITIGATION STRATEGIES

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ABSTRACT

Conflict is a global phenomenon with the upsurge spreading across borders due to the globalization which has brought about greater state interconnectivities. The practice of cattle rustling among the pastoral communities was considered as a cultural practice and was sanctioned and controlled by the elders. However, over a period of time there have emerged new trends, tendencies and dynamics, leading to commercialization and internationalization of the practice thus leading to multiple adverse effects. Conflict management and resolution processes adopted often involve significant segments of local authority structures, and often signify community desires for stability, enhanced production, and other benefits which conflict situations often deny the affected communities. The typology of most African conflicts could be greatly enriched by a careful exploration of the various conflict types viewed from the perspective of the different issues in contention. Conflicts in each category will only be satisfactorily resolved when they are addressed in relation to their specific root causes. This is due to the point that there are different types of conflicts in Africa and in Kenya to be precise, with cattle rustling being one of them. Consequently, each conflict needs to be analyzed on its own merits and addressed as a specific case rather than using the strait-jacket peace-keeping approach in every conflict as has been the case for decades. The conflict dynamics that fuel cattle raiding are complex and extend far beyond a simple 'competition for scarce resources' model to include wider regional dynamics.

KEY WORDS: *Conflict, Cattle rustling, raids, banditry, livestock*

1.0 INTRODUCTION

Conflict today is fluid, spreading across borders to affect broader regions, a result of the greater interconnectivity of countries; the same networks that allow for increased trade and information flow can be exploited by organized crime and conflict entrepreneurs to spread violence. This upsurge in violence occurs in a volatile global context where the balance of geopolitical power is in flux, and transnational factors like advances in information and communications technology, population movements, and climate change create risks and opportunities to be managed at multiple levels (World Bank & United Nations, 2018; Cilliers, 2018).

In the Protocol on the Prevention, Combating and Eradication of Cattle Rustling in Eastern Africa, Cattle rustling has been defined as an activity carried out by a group of individuals, often not from the same community, who plan, organize and forcefully steal livestock from another person, community or entity or from the grazing field or kraal for the purpose of social, political or economic gain. It entails the planning, organizing, attempting, aiding or abetting the stealing of livestock by any person from one country or community to another, where the theft is accompanied by dangerous weapons and or violence. As noted by Avis, 2019, cattle rustling is a practice that has robbed pastoralist communities their right to achieving millennium development goals. A total of 27 counties are affected by cattle rustling in Kenya, with five counties being severely affected and these are West Pokot, Baringo, Laikipia, Turkana and Samburu counties. A report by IGAD 2017 indicates that livestock lost between 2014-2016 was estimated at a cost value of Kshs. 6.05 billion whereas displacement was estimated at a total cost of Kshs. 37.27 billion in terms of compensation and assistance to the affected population.

Cattle raids have escalated, fueled by the proliferation of small arms smuggled into the country. In recent years, the raids have grown deadly, with a sharp rise in the number of people killed during attacks. the frequency of cattle raids, the number of animals stolen at any one time, the levels of violence and loss of life are such that the phenomenon has little resemblance with its cultural roots. Thus, it is argued that a combination of all these factors qualifies cattle rustling in a class of its own, easily distinguishable from related crimes such as theft or robbery. Gangs of gun-slinging raiders usually storm villages at night, shooting people on sight before driving away entire herds of cattle, sheep and goats, leaving entire communities devastated (Gumba, 2019).

Traditionally, small-scale stock theft was a way of balancing community wealth and power, but crime and capitalism have commercialized this practice, making it a significant economic threat as well as many deaths among rural communities and security forces in Kenya and South Sudan (Gumba, 2020). Overtime, the practice of cattle rustling has intensified, the number of deaths among rustlers, security forces and affected populations has increased. Cattle rustling or raiding is no longer a cultural practice, but a form of organized crime committed by international criminal networks. The drastic change has been attributed to increased politicization, militarization, commercialization, and changes in social, cultural, and economic dynamics (Gumba, 2020; Harder, 2020; Ndambuki, 2016).

Response in the African countries has been advanced by using indiscriminate force and incentivised disarmament initiatives (ISIS, 2020). However, neither of these approaches have been particularly successful. Indiscriminate violence ratcheted up community resentment against state security forces, while the exchange of livestock for firearms and ammunition achieved the opposite effect – incentivising civilians to acquire more firearms.

National responses adopted have so far been characterized by inaction, indiscriminate force or ineffective disarmament initiatives. This is believed to be occasioned by the new trends, tendencies and dynamics, leading to commercialization and internationalization of the practice thus enhancing its adverse effects. The conflict situation in most incidences may be silenced but remain largely unresolved with the affected areas characterized by underdevelopment, under-resourced security structures and a limited government presence.

This paper presents a review of the root causes, and emerging trajectories to cattle rustling. This will be achieved through the objectives; assessing the changing nature and root causes of cattle rustling; examining emerging trajectories and dynamics; and an analysis of the resolution mechanisms used in mitigating cattle rustling.

2.0 METHODOLOGY

The research was basically through desktop reviews. Secondary data was obtained from sources which included relevant published and unpublished materials on the research area. These included books, journals (electronic and print), periodicals, United Nations reports, Non Governmental Organization and state Reports in East Africa, Kenya national and County government and parastals reports, previous empirical studies, magazines, Newspapers, and bulletin and internet sources. The sources were considered to be of great importance in tracing the historical development of the study and very key in guiding the foundations of the study.

3.0 RESULTS AND DISCUSSION
3.1 Root Causes and Trajectories of Cattle Rustling

Today, conflicts have become more complex and protracted. About 2 billion people, circa a third of the world's population, currently live in countries affected by conflict. Conflict is often linked to global challenges from climate change to human trafficking and contemporary violent conflicts are no longer defined by national borders. Schafer (2018) notes that conflicts cost an estimated $13.6 trillion every year and pose a significant threat to the 2030 agenda (Schafer, 2018). It is thus clear that actors need to understand the trends and address the drivers of conflict, including the tipping points that push fragility to violence. According to the Social Science Research Council (2018: 3) "conflicts and widespread violence have complex socio-cultural, economic, and political dimensions that operate through power networks which transcend conventional conceptual boundaries, e.g. public vs. private or local vs. national. It is a commonly held view that the nature, intensity, and frequency of conflict have evolved in recent years. This shift in nature of conflict, corresponds with a long-term decline in traditional symmetrical conflicts (e.g. between armies), to increasing numbers of intrastate conflicts and asymmetric wars (e.g. between state and militia) (Avis, 2019).

Cattle rustling in East Africa and the Horn was, in the past, predominantly practiced by pastoral and nomadic communities for two main purposes; as a way of restocking after a severe drought or disease had killed their livestock and the second was to enable suitors (young warriors) to acquire cattle to pay the bride price required in order to marry. This has changed dramatically in recent years, with the latest statistics and reports showing that the phenomenon of cattle rustling has evolved in both method and extent. It is now being practiced for commercial reasons and through criminal networks that cross communal and international borders, rendering cattle rustling a transnational (criminal) act (Gumba *et., al*, 2019; Kaprom, 2013; OCHA 2017 and Melil, 2018).

In Kenya, several counties are affected by cattle rustling which has evolved over a period of time from being an accepted traditional practice sanctioned by the village elders into being a commercialized and criminal venture, with attendant grave human rights violations. Some of the causal factors that have contributed to the recent development and new trends in cattle-rustling in Kenya and her neighboring countries include perceived marginalization, weak mitigation strategies, commercialization of cattle raids, environmental insecurity, political instigation, poverty/unemployment, proliferation of Small Arms and Weapons and cultural practices (Kaprom, 2013; Gumba, 2020, Greiner, 2013, & Kushner 2017).

3.1.1 Proliferation of Small Arms and Light Weapons

According to Ndambuki 2016 there are estimated 40,000 guns unlawfully held by groups in northern Kenya and security strengths have only recouped under 10 percent of them. With such a tremendous uncontrolled measures of guns represents a

critical risk to national security. A 2015 Kenya Police report indicates that cattle raiders' weapons originate from neighbouring countries with internal strife, particularly Somalia and South Sudan. However, in recent decades the practice has increasingly involved the use of modern-day firearms. The gun culture and its historical background in West Pokot County, for instance, goes beyond Kenyan borders into the neighbouring countries of Uganda, Sudan, Ethiopia and Somalia. Some of these weapons are smuggled in from neighbouring countries, but many have been passed down from one generation to the next, or resold. The ubiquity of the gun, especially in pastoralist areas, and the government's failure to collect all illicit arms have fed perceptions of impunity. Other guns are often traded at cattle markets right alongside the livestock, smuggled into Kenya across land borders, or even through the port at Mombasa on the Indian Ocean (Kushner, 2017). Poor security and porous borders in the North and North East of Kenya have produced a complex set of conflict dynamics. It is considered to have contributed to the proliferation of small arms in the region and illicit trade in cattle

3.1.2. Political instigation

Ethnic mobilization has played a major role in political struggles at national levels in Kenya and these dynamics have been transferred even into the remotest pastoralist areas where cattle rustling is prevalent. A report by OCHA (2017) indicates livestock raiding emerges as a specific form of violent regulation: a well-adapted, dangerous, and powerful political weapon. A study by Melil, 2018 on cattle rustling in Baringo County indicates that the actors in cattle rustling involve politically linked and power yielding personalities and sometimes not pastoralists. It is argued that cattle rustling is motivated by competition for political power and resources: political barons use organized attacks to drive out their political rivals and extend their business interests. In West Pokot county on the other hand, inflammatory speeches by politicians frequently triggered raids and counter raids. Such speeches focused on real or assumed offenses of another group, like previous raids and/or violent attacks on women and children (Kaprum, 2013). In Turkana county for instance, where cattle raids are common, the practice has been highly commercialized and many politicians use to create support zones for themselves.

3.1.3 Commercialization of Cattle Raids

According to the Global Forum on Agricultural Research report, the Kenya Meat Commission estimates that some 500 tons of beef are exported from Kenya each week to the Middle East (United Arab Emirates, Kuwait, Qatar and Saudi Arabia) and Africa (Egypt, Tanzania, Uganda, Democratic Republic of Congo and Sudan). This has led to an emergence of commercialized cattle-rustling where wealthy businessmen, politicians, traders or local people pursuing economic objectives finance raids among the pastoral communities." Livestock from affected counties find their way into markets outside these

counties to new destinations like Nyahururu, Nairobi, Nakuru and even across borders. With this commercialization it becomes imperative for raiders to increase their cattle rustling practice (Melil, 2018). A study by Okumu 2021 notes that 'it often takes less than 24 hours for elaborate networks of criminals to steal livestock, load them onto trucks and transport them to markets or abattoirs in urban centres and across borders. The carcasses of slaughtered livestock bound for overseas markets are then transported using air cargo. A violent crime that once happened under the cover of darkness, cattle rustling now takes place blatantly during daylight hours.'

3.1.4 Perceived marginalization

In Baringo, Laikipia and West Pokot Counties, for instance, raids are more prevalent and they several times a year and sometimes as often as a few times a month along the border areas. Police camps have been set up in such areas and more security personnel deployed to beef up security. But studies indicate inadequate support from the security personnel. According to a number of previous studies some residents in the area feel that the police are not doing enough to stop them from being attacked. They say the police fear the bandits, but also have little motivation to do their job because of isolated and poor working conditions – many deployed police are reportedly junior officers and don't have adequate food or water supplies (Harder, 2020, Greiner, 2013; and Ndambuki, 2016). The North East has the greatest concentration of pastoral communities in the country and there is a strong perception among these communities that the government has treated them unfairly, signifying a high level of local alienation from the government (Menkhaus, 2015). The region lags behind the rest of the country in infrastructure, education and health services, with Northern Kenyan counties ranking at the bottom of almost every human development ranking in the country (Menkhaus, 2015).

3.1.5 Environmental insecurity

Competition for the control of political and economic resources in Northern Kenya – and unequal access to land and natural resources – are considered to be drivers of recurrent violence and key threats to security. Competing claims to land and natural resources and inequitable or inadequate access to land for the poor has been, and still remains, a source of conflict and the situation is often aggravated during times of food scarcity or when extractive resources are discovered. This can be witnessed in Turkana, Elgeyo Marakwet, Baringo among other counties (Nolasco;2017). Pastoral conflicts have become more frequent and unpredictable, exacerbated by scarce resources, and have increasingly involved the use of arms. The weakness of the traditional structures is also demonstrated by the radical changes in resource management. Dealing with and restrain the inevitable governance, demographic and economic changes that have entailed socio-economic stratifications and radical changes in land use patterns. The pastoral and rural communities are

convinced of the irreversible land change that would impact negatively on the sustainability of their livelihoods and would welcome and support measures to halt and ultimately reverse the trends. In addition, deep-rooted inequalities persist in areas where oil and hydrocarbon reserves are located, which makes the way in which anticipated revenues are shared of particular importance as a potential source of conflict or resilience (Harder, 2020).

3.2 Mitigation Strategies Employed in Curbing Cattle Rustling
3.2.1 Negotiation and Peace Committees
On several occasions negotiation has been used as a strategy to avert diplomatic rows between some of the Eastern African states related to cattle rustling. There has even been mention of bomber planes allegedly been used to pursue cattle rustlers who cross international borders. The fact that cattle rustling occurs in pastoral communities across national borders, further accords the crime a distinct characteristic. The National Steering Committee on Peace Building and Conflict Management (NSC), an interagency committee established in 2021 has deployed softer approaches of community level peace dialogues and negotiations among the pastoralists, and aided Sub-County Peace Committees (SCPC) with the support of national partners such as the National Cohesion and Integration Commission (NCIC), National Drought Management Authority (NDMA) and civil society actors. All these interventions have registered different levels of success. The SCPCs have had some success but have not been able to ultimately address the increased incidences of cattlerustling in the region.

Worth mentioning includes Kenya and Ethiopia having signed a peace agreement to end cross-border cattle rustling in 2009. In 2012 Uganda deployed more the 5 000 soldiers along the Uganda-Kenya border to stop cross-border raids. Additionally, in September 2019, Kenya and Uganda signed a memorandum of understanding for sustainable peace in the Karamoja cluster, a geographical area at the borders of Uganda, Kenya, Ethiopia and South Sudan inhabited by pastoralist groups (Gumba, 2020; Kabelo, 2019).

In 2008 an EAPCCO Protocol on the Prevention, Combating and Eradication of Cattle Rustling in Eastern Africa was signed. The member states of the EAPCCO are Burundi, Djibouti, Eritrea, Ethiopia, Kenya, Rwanda, Seychelles, Tanzania and Uganda. The protocol was set to move from the traditional practice whereby Countries in the region responded, in the main, by adopting use of indiscriminate force and incentivised disarmament initiatives. The protocol further seeks to address cattle rustling by, among other steps, enhancing regional cooperation, harmonizing legislation and adopting livestock identification systems and records. However, neither of these approaches has been particularly successful. Indiscriminate violence ratcheted up community resentment against state security forces, while the exchange of livestock for firearms and ammunition achieved the opposite effect –

incentivising civilians to acquire more firearms (Gumba, 2020). This protocol could give the region a common policy or legal framework to deal with the crisis. Its lack of support from East African states is just one of the signs that governments in the region don't seem to consider cattle rustling a serious crime. In many East African countries there is no specific law that requires that the source of cattle at slaughter houses be identified.

3.2.2 Deployment of Kenya Police Reservists
Kenya Police Reserves (KPRs) are local security personnel available to counter attacks from external aggressors in pastoral areas. They usually support resource-constrained police departments. It is recognized that in the past few decades since independence, KPRs have become an important security agency in the rural areas, and gradually more as private security. Government's drive to enlist and arm the Kenya Police Reservists (KPRs) and home ensures as comparing security providers in the ASALs. The police reservists are selected from within affected communities, armed by government and trained at local police station posts in the affected counties (Okumu, 2021). In Turkana County, it is reported that KPRs are using government arms for profit as private security guards, and in Laikipia, large numbers of scouts are armed by the state to provide security for a few. This has led to a shift of balance in power from the official security to private security. While this was at initially proposed to be a clear gathering policing action, the same has been harmed with attestations of degradation, deficiency and inclination along tribal lines in so far as the decision on who should be equipped as a KPR (Ndambuki, 2016; Nolasco, 2017).

3.2.3 Security operations/ Military operations
Police are deployed and these include the General Service Unit and anti-stock units as well as armed forces. However, the relationship between Kenyan security forces and local communities in the cattle rustling bound regions remains strained by antagonism and distrust. Since independence, state security agents have contributed to the continued repression of the pastoralist communities by perpetrating serious human right violations among the communities during their so-called 'state-operations' in the ASALs. Oftentimes, these violations are carried under the terms of collective punishment where everyone the young, the old, the pastoralists and the men suffer in equal for committing real or imagined transgressions against the state. This blanket approach by state-security agents to security concerns in the ASALs has increased tension and animosity between the security agents and members of the communities, thereby impeding the likelihood of there being any effective collaboration in efforts aimed at curbing livestock theft, Weiss, (2004).

Poor coordination and relations between intelligence and policing departments have also been blamed for the failure to prevent terrorist attacks. The National Intelligence Service has

been accused of not providing actionable information to the police services; and the police have been accused of not acting on intelligence they receive (Ndambuki, 2016).

3.2.4 Disarmament

The government launched a massive disarmament in banditry-prone counties, leading to the gun mop-up being carried out. In 2004, a Nairobi Protocol for Prevention, Control and Reduction of Small Arms and Light Weapons in the Great Lakes region and Horn of Africa was signed. There has been successive commitment to the process of reducing illicit firearms in various regimes. The collected firearms have been on many occasions destroyed in public. However, other reports indicate that more attacks are reported and communities continue to smuggle in more illegal guns (Harder, 2020; Kushner, 2017). Additionally, there are few guns seized during the disarmament and there are no records of criminals who were arrested during disarmament just as there were none arrested previous years. Disarmament programs in the region have failed completely. For instance, the 2007 disarmament campaign claimed only 1710 firearms and 5700 rounds of ammunition. This has been attributed to Governments in the region response termed as heavy-handed coercive disarmament operations which have led to distrust and subsequent violent clashes between communities and security providers. According to Melil, 2018, absence of effective and accessible state security in these areas, small arms are naturally seen as a guarantor of security in such areas. Local leaders, clergy and professionals in the banditry prone have insisted that disarmament will not yield fruits in seizure of illegal guns, asking instead for the government to involve them and the community by embracing dialogue and providing tentacles of reaching out to the armed bandits.

3.3 Challenges and Opportunities

The problem of cattle rustling persists through more frequent cross border cattle raids leading to loss of lives and livelihoods, injuries, interruptions of local trade and education. Across the border, as well as in the aforementioned counties, life is characterized by fear and uncertainty. Many pastoralists are forced to be on alert all the time to fend off any incursions (Kabelo, et.,al 2019; Melil, 2018; Nolasca, 2017). Uganda has been quite successful in protecting its Karamoja region against livestock theft from Kenya's Turkana and Pokot herders. However, this has not stopped raids across its northern border with South Sudan. In Kenya, police reservists and local businessmen have been linked to banditry attacks in West Pokot and Baringo counties.

Cattle rustling in the region has also affected success of mitigation strategies and conflict resolution projects. Cattle raids have impacted negatively on the already fragile ecosystems, economic growth, and on the key social and livelihood sectors such as education often observed through high drop -out rates due to displacements, interference in local trade and markets. Collaborative resource-based conflict resolution

trends point to different avenues for conflict resolution and prevention. For instance, priority to sound management of environmental and natural resource usage factors could prevent conflicts and these requires the commitment and effort of governmental and non- governmental bodies and communities at national and local levels. However, the poor State of service delivery to Arid and Semi-arid Lands (ASAL) areas is central to the conflicts that destroy them. The capacity of pastoralist households to exploit opportunities in other sectors as well as robust partnerships between governments, civil society and development actors in community education, including vocational training for pastoralist warriors is very vital. These could enhance livelihood options for the youth and encourage them to pursue alternative means of production to cattle rustling. Other strategic options include as raising the education, delivering other services such as health and infrastructure, provision of security services through increase deployments of security forces, and improving communication services such as Global Positioning System (GPS) in addition to radio calls as suggested by Okumu, (2021) are important in their indirect role of reducing conflicts.

The issue of disarmament has been down played by the allegations of brutality and noninvolvement of community stakeholders (Greiner, 2013; Cheserek, 2007; Cheruyoit & kizito, 2008). The national and county governments should secure all illegal arms as a way of reducing hostilities and take up their legal duty of providing security for pastoral communities. There is need for commitment to this duty and gain trust and confidence from the pastoralist for them to surrender arms as one of the government programs to disarm the neighborhoods.

Collaborative approach to conflict management in the region could also be effective. Various stakeholders including the rural and pastoral communities, their indigenous organization, and other non-State actors should lobby and demand the governments provide and guarantee these people security as enshrined in the national constitution. In conjunction, addressing the historical marginalization of pastoralists is equally important. The provision of state security to guarantee public safety and reduce the illegal ownership of small arms and light weapons are two imperatives to changing this current insecurity.

4. CONCLUSION

Cattle rustling which began off as a cultural practice has evolved over decades to become more complex and deadlier with more sophisticated weapons being used. The conflict is experienced across counties as well as across borders. Notably causes discussed include environmental factors, livestock commercialization, Small Arms and Light Weapons (SALW) proliferation among others.

Efforts to curb cattle rustling exist regionally, nationally and at the local levels. Some of the mitigation measures are disarmament, negotiations, military operations and use of KPRs.

However, it is worth noting that cattle rustling still remains a great threat and counties in question still face the challenges of living with uncertainties, failed disarmaments, politicization among others. Major Improvements to the approaches tapping the opportunities need to be enhanced to address cattle rustling. This can be achieved through collaborative community sensitive and participatory approaches together with enhanced confidence building and public safety.

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