EFFECT OF MEDIATION IN PROMOTING PEACE AMONG CROSS-BORDER PASTORALIST COMMUNITIES BETWEEN KENYA AND ETHIOPIA

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Abstract: Conflict among communities and clans on East African countries' borders has been a concern over the years. Governments and international communities have worked hard to develop solutions to reduce tension and conflict among these communities. Therefore, this study sought to investigate the effect of mediation in promoting peace among cross-border pastoralist communities between Kenya and Ethiopia. The study employed a descriptive survey design to investigate the root causes of the conflict and the influence of alternative dispute resolution mechanisms. The target population was 137 pastoralists from the Cross-border between Kenya and Ethiopia from the two communities, the Turkana and Daasanach. A purposive sampling technique was employed to select the participants in terms of those who lost relatives, lost properties, those who were displaced, and those who sustained injuries. The sample size was calculated using Yamane's (1967) formula to calculate the sample size of 102 respondents. A structured questionnaire. The validity of the data collection instrument was ascertained via content validity. While reliability was verified by a pilot test conducted, and Cronbach alpha was calculated to measure the internal consistency of the results depicted by the instrument. Data collection was done through a process drop and pick method and a self-administered method. Raw data collected was inserted into excel software for cleaning and coding before further analysis. Data analysis was done using frequencies, percentages, means, and standard deviation. Findings were presented using tables. The study considered ethical issues like maintaining the privacy of the respondents by hiding their identity to avoid victimization. The results revealed that alternative dispute resolution depicted different impacts in promoting peace, and the highest effect was shown by negotiations, mediation, Arbitration, and collaboration, respectively (0.674, 0.508, 0.411, and 0.342). Further, the results from content analysis indicated that alternative dispute resolution should be employed since they depicted a positive influence in promoting peace in the region. The study concluded that alternative dispute resolution techniques positively impacted stability in the area. The study recommended that further research can be done in other sectors, both public and private, facing conflict issues. Moreover, the current study was done on peace resolution between Kenya and Somalia, which have been having disputes for years.

Keywords: Mediation, Dispute Resolution Mechanism, Peace promotion.

1.   INTRODUCTION

Conflict among communities and clans in the borders of Eastern African countries has been a factor of concern over the years. Governments and international communities have worked hard to come up with solutions that can reduce tension and conflict among these communities. Conflict is a state where two groups or communities disagree in certain terms of the fight over supremacy or fight for resources. This can also arise from disagreements based on the goals and objectives of the communities (Carrie & Kochore, 2014). The conflict has been escalating among communities especially in the dry areas mostly caused by lack of or scarce natural resources. According to the United Nations, the other causes of conflict include the increase of illegal weapons, cattle rustling, and the fight for scarce resources.

Globally, the concept of alternative dispute resolution (ADR) has been the concept that has been used recently after the failure of the use of law and diplomacy. MacDermott, and Meyerson, (2018) regard alternative dispute resolution (ADR) as a focus on of aspect responsible for maintaining conciliation by use of the institutional framework and contextual gap that surrounds it. For instance, Okeya, (2018) argues that in America the government ought to consider what the ADR offers in relation to maintaining peace. Moreover, Ige, (2017) advocates the use of Alternative Dispute Resolution and Collective Conciliation in the UK, Canada, and South Africa as the most successful process of conflict resolution. This concept of ADR has proven successful in reducing tension among communities in both developed and developing countries.

In Africa, the conflict among communities especially in the horn of Africa has resulted from scarce resources among the pastoralist communities, the rise of illegal weapons, the intertribal conflict caused by cattle rustling among others (Hussein, 2014). Diminishing natural resources like water and grass has escalated the conflict among communities. The conflict has intensified when communities in the border region graze their livestock across the border especially between Kenya and Ethiopia. Further, poor international relations between Kenya and Ethiopia are as well another cause of conflict. Equally, the rising of al-Shabaab disturbed the peace in the region increasing tension among communities in the northern region across the border spilling to Ethiopia and Kenya.

In South Africa for instance (Utter and Keet, 2020) argue that in some of the ADRs that have proven successful, negotiation has proved to be an effective way of solving and maintaining peace. Avoiding conflict through negotiation is a fundamental technique of maintaining peace. When societies face conflicts, the best solution is engaging the groups. On this basis, the method employed in conflict resolution is determined by the nature of the conflict and the dynamism of the society. Many at times engaging inappropriate conflict resolution or diplomacy without other alternative resolution techniques have led to a failure in the process of conflict resolution in many countries.

For instance, in 2017 drought in the region of the border between Kenya and Ethiopia in northeastern caused the death of a lot of livestock. This made communities engage in cattle theft which caused inter-clan conflict in the region. Further, the drought caused the drying up of water and grass causing more scramble for these scarce resources. These scarce resources made communities from both counties seek more pasture and water across the border, this led to an increasing scramble for scarce resources leading to conflict among these communities. (Maluli, 2015). The main occupation of the northeastern community is livestock thus, whenever drought strikes, and their livelihood is threatened there is tension among these communities.

Conflict mediation is a significant development in the dynamics of interpersonal interactions and disagreements that aims to speed up the resolution of disputes and reduce the length of a conflict. By and large, mediation is a potent form of non-binding intervention that is non-coercive, non-violent, and ultimately non-binding Guliyev and Gawrich (2021). With the help of an individual, group, state, or organization, disputants can resolve their differences without using force or resorting to the legal system. This is what mediation encourages.

Mediations have come to be the effective conflict resolution in the world today (Väyrynen, 2019). The civil wars were found to be fueling the conflict among communities in sub-Saharan Africa. Väyrynen proposes transformation in conflict resolution build where an appropriate model through which mediation, with the objective of empowering people of communities to reconcile and recognize one another to be applied. According to him different societies have different techniques of managing and preventing conflict and maintaining peace. Some of the methods include respect for the community's peace-building initiatives which are applied to communities' cultural frameworks. This provides a community with an opportunity to solve their problems hence improving harmony and maintenance of peace among themselves. Governments have promoted peace and reconciliation through the alternative way of conflict resolution that is mediation (Kurniati et al., 2017).

Negotiation refers to the discussions involved in determining the precise semantics that one wants to represent in an ontology (Shen et al., 2019). All of them are wise decisions in terms of the options that apply. Reaching a consensus on the precise elements required, the domain theory that provides these elements, and the necessary ontology language to represent the former is necessary in order to negotiate the meaning of the knowledge to be represented in an ontology. This might entail substantive bargaining and conflict resolution.

Due to inadequate access to justice, many Africans have lost faith in the judicial system's capacity to deliver justice (Price, 2018). This claim is supported by the fact that claimants become frustrated due to backlogged court dockets that take years or decades to process cases. The traditional court system no longer has as much clout as it once did thanks to modernization.

The ineffectiveness of formal legal channels in resolving less serious disputes has improved public perception of justice and promised effectiveness. The author argued that the negative system limits formal litigation's ability to establish fairness and satisfaction. In addition, the author asserted that the government is greatly impacted by a lack of confidence in the courts.

2. STATEMENT OF THE PROBLEM

There has been a lot of conflict cases recorded in Turkana County especially at the border of Kenya and Ethiopia between the Turkana and Daasanach. The conflict between the two communities has escalated over time since in 1984 up to date. This has increased the tension among the communities residing in this region. In 2013 the conflict escalated further because of the competition for the minimal resources which left many people dead, disabled and others displaced. The governments and other peace-keeping bodies have employed several mechanisms in restoring peace in the region. For instance, the governments used violent methods to solve these issues, which have not yielded much but to cause more loss of life. Thus, it has forced them to look for other alternative methods of conflict resolution. Examples of the resolutions include negotiation, mediation, collaborations, and reconciliation arbitration among others. Thus, the study aimed at establishing milestones that the ADR methods have yielded in, maintaining peace within the region. Particularly, the role of mediation mechanism as an alternative dispute resolution conflict resolution and enhancing peace among cross-border pastoralist communities in Kenya and Ethiopia.

3. LITERATURE REVIEW

Theoretical Literature Review

The theory of conflict was introduced by Karl Marx (Marx 1883). According to this theory, conflict occurs when two communities of groups struggle for limited resources. The theory views economic and social institutions as the objects of the struggle between classes or groups of people when one group tends to dominate the other. The theory makes two major assumptions that are conflict arises between groups regarding the different interests for limited resources. The second assumption is that this conflict leads to one group controlling the other. The theory is useful since it creates a positive social change based on social conflict. The main weakness of the theory is that it propagates capitalism which is a trickle-down mechanism. This theory believes that social life is all about dominance over one group or community. The theory further is limited to certain environments only, also it views society from the negative side only. Despite this weakness, the theory has also some strengths, the theory explains the social change in a clear manner, and it creates room for learning about a subject even without interest and thus increasing the understanding possibility. The theory was employed by Moshiri, (2019) in explaining evolution perspective of conflict and resolutions process making it relevant. Thus, this theory informed the study in matters to do with cause of conflict and how it can be mitigated which is the theme of the study as well as the theme of the theory.

Empirical Literature Review

Propose mediations an effective international dispute resolution, this is termed as the most effective conflict resolution. Byrne (2017) argues that transformation in conflict resolution builds an appropriate model through mediation to empower people of communities to reconcile and recognize one another, different societies have different techniques of managing and preventing conflict and maintaining peace. Some of the methods include respect, peacebuilding initiatives that are applied to community cultural frameworks. This provides a community with an opportunity to solve their problems hence improve harmony and maintenance of peace among themselves. Governments have promoted peace and reconciliation through the alternative way of conflict resolution that is mediation (Aeby, 2017).

Siangole (2020) examined the Role of Non-Governmental Organizations in Conflict Resolution in Pokot and Karamojong Cross Border conflicts. This study which targeted Non-governmental Organizations adopted a descriptive research design to research and analyze its findings. Data were gathered from both primary and secondary sources. Primary data collection was done by Questionnaires on Karamojong Pokot cattle rustling. While, secondary data is acquired from libraries, organizations, companies, the internet, media publications, and research centers. The analysis of quantitative data was done using descriptive statistics using Statistical Package for Social Scientists (SPSS). According to the findings long-lasting droughts and famine are two environmental factors that contribute significantly to the conflict. Additionally, the fact that cattle rustling remains the main pillar of the traditional and cultural practices unquestionably becomes another major source of conflict. Creating animosity, poverty, death, desperation, and underdevelopment in the region. However, Tactful

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diplomacy can be used to resolve conflicts. NGOs have provided funding for initiatives that have assisted in preventing conflict, which has been warmly welcomed by both communities. women have actively been involved in conflicts through cattle rustling like their male counterpart NGOs have provided funding for initiatives that have assisted in preventing conflict, which has been warmly welcomed by both communities.

Guliyev, Farid, and Andrea Gawrich (2021) studied the role of mediation strategies in conflict resolution in Eastern Ukraine and Nagorno-Karabakh. The study was comparative in nature, and it employed a comparative analysis technique. According to the study's findings, the Organization for Security and Cooperation in Europe (OSCE) is vulnerable to Russia's geostrategic power game because there are no legally binding enforcement mechanisms, consensus-based decision-making hinders the organization's responses, and there are external geopolitical constraints. These factors severely constrained the OSCE's ability to serve as an impartial mediator.

According to Muigua (2018) reflections of the use of Mediation in Accessing Justice in Kenya could be a relief for many. The study employed alternative dispute resolution (ADR) mechanisms like negotiation and mediation to give the Kenyan people the chance to become more powerful, saving time and money, fostering relationships, and producing results that are mutually satisfying. The majority of sectoral laws primarily address how to resolve disputes through the national court system. In Kenya, where conflicts may be clan-based or community-based, courts offer little assistance in achieving lasting peace due to the settlement nature of the outcome, where adjudication and arbitration are the main strategies for resolving conflicts. The use of ADR in the resolution of natural resource-based conflicts is viable and should be exploited to its fullest. The study did not, however, examine whether adopting a community-based strategy for empowerment necessarily results in increased participation and inclusion. Due to its numerous drawbacks and challenges, alternative dispute resolution (ADR) is not a magic bullet for all conflicts involving natural resources and environmental issues. The study was not anchored in any theory posing a contextual gap in the study.

4. RESEARCH METHODOLOGY

The study employed a descriptive survey design to investigate the root causes of the conflict and the influence of alternative dispute resolution mechanisms. The target population was 137 pastoralists from the Cross-border between Kenya and Ethiopia from the two communities, the Turkana and Daasanach. A purposive sampling technique was employed to select the participants in terms of those who lost relatives, lost properties, those who were displaced, and those who sustained injuries. The sample size was calculated using Yamane's (1967) formula to calculate the sample size of 102 respondents. A structured questionnaire and a Key Informant Interview Guide were used for data collection. The validity of the data collection instrument was ascertained via content validity. While reliability was verified by a pilot test conducted, and Cronbach alpha was calculated to measure the internal consistency of the results depicted by the instrument. Data collection was done through a process drop and pick method and a self-administered method. Raw data collected was inserted into excel software for cleaning and coding before further analysis. Frequencies, percentages, means, and standard deviation were used in the data analysis. Tables were used to present the findings. The study considered ethical issues like maintaining the privacy of the respondents by hiding their identity to avoid victimization.

5. FINDINGS

The study sought to establish the roles of mediation on peacekeeping among cross-border pastoralist communities. Five statements were employed to establish the extent to that mediation has improved peacekeeping. The responses were rated on a Likert scale and the results were presented in the form of a percentage, mean and standard deviation and the findings are presented in Table 1.

Table 1: Descriptive statistics on mediation and peace

Statement	Strongly disagree (1)	Disagree (2)	Neutral (3)	Agree (4)	Strongly Agree (5)	Mean	STD
Mediation set the agenda right hence for easy understanding of the process	8.8	16	12	39.2	24	3.54	1.26
Parties' Statements are clearly defined in the process	3.2	17.6	12.8	38.4	28	4.4	1.15

Exploring Conflicts and Interests in the concept that mediation advocates	5.6	16.8	12	23.2	42.4	4.7	0.78
Mediation generates a lot of options of conflict resolution.	9.6	14.4	16	40.8	19.2	3.46	1.23
Mediation ensures there is reality testing	7.7	12.63	9.97	22.5	47.2	4.6	0.92
Overall mean and Std						4.164	1.068

On the statement whether Mediation set the agenda right hence for easy understanding of the process, the majority of the respondents just agreed with the statement 39.2% (mean=3.54) that mediation set the agenda right hence for easy understanding of the process. On the other hand, the STD=1.26 indicates other diverse responses. On the statement, whether Parties' Statements clearly defined the mediations process, from the results, the majority of the respondents 38.4% (mean =3.61) just agreed with the statement that the Parties' Statements clearly defined the mediations process hence improving the peace process. On the other hand, the standard deviation of 1.15 indicates diverse responses.

The study further sought to find out whether, the process of mediation explored the Conflicts and Interests in the concept that mediation that was advocated, results revealed that the majority, 42.4% (mean= 4.7) of the respondents strongly agreed with the statement that the process of mediation explored the conflicts and interests in the concept that mediation that was advocated. While the STD= 0.78 implied minimal deviation in the responses.

On the issue of whether mediation generated lots of options of conflict resolution, the results revealed that the majority 40.8% (mean=3.46) just agreed with the statement that mediation generated lots of options of conflict resolution. While the STD=1.23 revealed that there were diversified responses regarding the option generated by the mediation process. Lastly, on the statement whether mediation ensured there is reality testing, results revealed that the majority 42.2% (mean=4.6) strongly agreed with the statement that the mediation process ensured there is reality testing hence influencing the peace process. On the other hand, the STD= 0.92 implied that there were minimal diverse responses.

The overall mean response of 4.164 implied that respondents just agreed with most of the statements regarding the effect of mediation in promoting peace among cross-border pastoralist communities between Kenya and Ethiopia. While a standard deviation of 1.068 denoted that there were some variations in the responses on the same statements regarding mediations in the peace process. This result is in line with those of Gawrich (2021) on the role of mediation strategies in conflict resolution in Eastern Ukraine and Nagorno-Karabakh. The results indicated that the mediation process is paramount in conflict resolution.

6. RESULTS OF INFERENTIAL STATISTICS

Correlation analysis

Table 2: Correlation Analysis

		Mediation	Peace among Cross-Border Pastoral Communities
Mediation	Pearson Correlation Sig. (2-tailed) N	1 104	
Peace among Cross-Border Pastoral Communities	Pearson Correlation Sig. (2-tailed) N	.715 .000 104	1 104

In this study, correlation analysis was conducted to establish how strong the two variables are related and the degree of associate between the two. Thus this was conducted and coefficient values were obtained. Based on effect of alternative dispute resolution mechanisms in promoting peace among cross-border pastoralist communities in Kenya and Ethiopia. The correlations coefficient findings were presented in the Table 2. The correlation coefficient shows how strongly and in what direction the variables are related. The Pearson r value of mediation variable was 0.715 which was closer to 1. Therefore, mediation was found to have an effect on peace among cross-border pastoral communities.

Results of Regression Analysis

Table 3: Model Summary

Model	R	R Square	Adjusted R Square	Std. Error of the Estimate	Durbin-Watson
1	.689ᵃ	.684	.653	.551	2.496

The R Square value (.684) revealed that the model explains only 68.4% of variance in the dependent variable (peace promotion) is explained by the independent variables (mediation). The other percentage (31.6%) is explained by other factors not included in the model apart from mediation.

Table 4: Analysis of Variance

Model		Sum of Squares	df	Mean Square	F	Sig.
1	Regression	4.304	1	4.304	18.795	.000
	Residual	22.881	102	.229		
	Total	27.185	103			

The study determined the overall regression model had a significance level of 0.000 from the ANOVA statistics supported by F statistics 18.795 and the p-value (0.000) which indicate that that the data are ideal for drawing conclusions based on population parameters because the p-value for significance is less than 0.05. As the calculated value is higher than the comparison to the critical value (F=18.795, and p value=0.000) this indicates that mediation, had an in impact on promoting peace among cross-border pastoralist communities in Kenya and Ethiopia. Moreover, it can be noted that the model was significant at p<0.05.

Table 5: Coefficient

		Unstandardised coefficients		Unstandardised coefficients		
		B	Sd.Err	Beta	t	Sig.
Model	(Constant)	4.830	.805		6.001	.000
1	Mediation	.411	.083	.181	4.951	.004

Results revealed that mediation depicted a positive influence peace promotion among cross-border pastoralist communities in Kenya and Ethiopia. It can be noted that even when mediation is kept Constant, the peace among cross-border pastoralist communities in Kenya and Ethiopia improved by change by 4.830. Moreover, Results further indicated that a unit change in mediation results to a 0.411 positive influence on peace among cross-border pastoralist communities in Kenya and Ethiopia. The model estimated is depicted below.

$$peace\ promotion\ = 4.830 + 0.411 Mediation$$

7. CONCLUSIONS

In conclusion, it can be noted that alternative dispute resolution has been the modern way of curbing conflict among pastoralist communities. Thus, for conflict resolution concerns the role of the mediation process, the role of the negotiation process, role collaboration, and role of arbitration cannot be undermined since they are key in maintaining peace in the region and other areas facing conflict issues. Thus, these ADRs are paramount as far as conflict resolution is concerned.

8. RECOMMENDATIONS

Based on the findings, the peace-building bodies and government should employ these alternative conflict resolution techniques since they all indicated a significant impact on peacekeeping. These include the mediation process, negotiation, collaboration, and arbitration. Given that these variables have a positive and significant impact on promoting peace in the region. Thus, the government and other peace-keeping bodies must embrace alternative dispute resolution to enhance the peace process in the region given their positive impact.

The study recommends that the society should be taken through the alternative conflict resolution methods awareness so that they can embrace them more so in the regions affected by conflict issues. Policy-makers in the peacekeeping sector and

other related sectors can formulate policies necessary for curbing conflict more so the alternative dispute resolution policies that can enhance the peace process. Lastly, further research can be done in the area regarding the alternative conflict resolution to establish the best ways of implementing this measures by using alternative dispute resolution that is the mediation process, negotiation, collaboration, and arbitration.

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