THE ROLE OF THE MOSQUE INSTITUTION IN THE PREVENTION OF CATTLE RUSTLING AND BANDITRY IN MANDERA EAST, MANDERA COUNTY, KENYA

BY

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APRIL, 2012
DECLARATION

This thesis is my original work and has not been presented for any degree or academic award in any other university.

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DEDICATION

This thesis is dedicated to my parents Habiba H. Hersi and Sheikh Ali S. Ahmed.
ACKNOWLEDGEMENT

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DEFINITION OF TERMS

Banditry - The practice of armed gang or mercenary influenced by greed and desire for gain, done through criminal activities that threaten life and property.

Cattle rustling - The act of stealing livestock that incorporate a number of other crimes such as killing, rape, abduction of women and destruction of property among others.

Corner Tribes - A collective term given by the British colonial government to smaller ethnic groups that live along River Dawa in Mandera. The term excluded three major clans Garre, Murule, and Dagodia.

Duksi - An elementary Islamic madrassa where children are taught the Quran and how to read and write.

Jua Kali - An expression for the Kenyan informal sector referring specifically to street vendors and artisans. The term comes from the Swahili term 'jua kali' ('the hot sun') referring to the typical outdoor situation of such entrepreneurs.

Mosque Institution - The fundamental multi-functional organization of Muslims comprising the mosque committee, the Imam, muezzin (caller of faithful for prayers), helpers, kadhis and the congregation. It is expected to enforce Islamic principles of the Sharia as prescribed in the Holy Quran and Hadith. This is an arena for worship, leadership, enforcement of social, political, cultural, educational and economic responsibilities.
## ABBREVIATIONS AND ACRONYMMS

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<th>Acronym</th>
<th>Description</th>
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<td>ACTS</td>
<td></td>
<td>African Christian Textbooks</td>
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<td>ALRMP</td>
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<td>Arid Land Resource Management Programme</td>
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<td>AMA</td>
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<td>Africa Muslim Agency</td>
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<td>ASALs</td>
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<td>CBOs</td>
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<td>CEWARN</td>
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<td>Conflict Early Warning and Response Network</td>
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<td>CICS</td>
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<td>Centre for International Cooperation and Security</td>
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<td>COCOP</td>
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<td>Consortium of Cooperating Partners</td>
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<td>CSOs</td>
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<td>DSC</td>
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<td>District Security Committee</td>
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<td>EPAG (K)</td>
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<td>Emergency Assistance Pastoral Group of Kenya</td>
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<td>FBOs</td>
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<td>Faith Based Organizations</td>
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<td>GoK</td>
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<td>Government of Kenya</td>
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<td>ICASO</td>
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<td>International Council of AIDS Service Organizations</td>
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<td>IIRO</td>
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<td>International Islamic Relief Organization</td>
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<td>MAMMDEF</td>
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<td>Mandera Mosques and <em>Madrasas</em> Development Forum</td>
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<td>OXFAM (GB)</td>
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<td>PACT</td>
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<td>Practical Action</td>
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<td>PBUH</td>
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<td>Peace Be Upon Him</td>
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<td>MYWO</td>
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<td>Maendeleo Ya Wanawake Organization</td>
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<td>RoK</td>
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<td>Republic of Kenya</td>
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<td>SUPKEM</td>
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<td>Supreme Council of Kenya Muslims</td>
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<tr>
<td>UN</td>
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<td>United Nations</td>
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<td>USAID</td>
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<td>United States Agency for International Development</td>
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<tr>
<td>WFPD</td>
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<td>Women for Peace and Development</td>
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<tr>
<td>WILPF</td>
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<td>Women’s International League for Peace and Freedom</td>
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ABSTRACT

Cattle rustling and banditry have destabilized the socio-economic activities of Mandera East, Mandera County, Kenya. The district has for the last 20 years experienced an influx of refugees from other countries in the Horn of Africa especially Somalia and Ethiopia. This coupled with the use of modern weapons including small fire arms that replaced the traditional ones such as spears, bows and arrows have led to the escalation of diverse forms of criminal activities. Animosity and irrational behaviours have become the order of the day among the residents. The situation is worsened by the prolonged drought and famine which lead to the death of livestock, and communities strive to restock their lost animals.

This study examined the role of the mosque institution in the prevention of cattle rustling and banditry in the district using a conceptual framework adapted from Islamic paradigm of peace. The study further evaluated the contribution and efforts of various stakeholders including the government, Non-Governmental Organizations (NGOs) and Community-Based Organizations (CBOs), in collaboration with the community and political leaders to curb the menace. It further sought to recommend practical strategies of combating cattle rustling and banditry, from an Islamic perspective.

The study used both primary and secondary sources of data. The target population consisted of Muslims inhabiting Mandera East. The study’s sample size consisted of a total of one hundred and twenty-eight (128) respondents drawn from a cross section of residents comprising Muslim religious leaders such as sheikhs, imams and mosque committees, madrassa teachers, representatives of NGOs, CBO officials, government officials, youth groups and village elders. This study adopted qualitative method of data processing and analysis. Qualitative data were first coded then analysed using descriptive statistics in accordance with the objectives of the study. The data presentation is in form of discussions and some presentations using descriptive statistics like frequency tables, pie charts and bar graphs where applicable.

The study revealed that cattle rustling and banditry are a common phenomenon in Mandera East. The main causes of this phenomenon include socio-cultural, agro-ecological, political and socio-economic factors. The influence of civil conflicts in the Horn of Africa was also noted. The study established that the Holy Quran, Hadith and ijma and al-qiyas of Muslim scholars have explicit provisions on the prohibition of cattle rustling and banditry and advocate for appropriate punishment to be meted out on those who commit the vice. Though the Sharia law is not enforceable in Kenya, Islamic teachings on the prohibition of cattle rustling and banditry conform to the Kenya Constitution and Statute Law which safeguard human rights, protect private property and provide for appropriate punishment for cattle rustlers and bandits.

The study noted that the mosque institution undertakes a number of activities in its efforts to curb cattle rustling and banditry such as peace caravan, religious roadside preaching, dialogue with the youth, positive behaviour change, dialogue with chiefs, dialogue with the police, inter-madrassa competition, rapid response initiatives and monitoring the implementation of peace agreements and trauma healing. Enforcement of Islamic principles by the mosque institution has contributed to some extent to reduced incidents of cattle rustling and banditry. The study’s findings indicate that despite notable successes of some programmes, the mosque institution are faced by a myriad of challenges such as non-involvement by the Government of Kenya (GoK), instability in Somalia and the influx of refugees and criminals, financial constraints to carry out activities of the mosque institution, lack of transport, weak logistic, negative ethnicity, illiteracy and conflicts between government laws and Sharia laws. According to the study’s observations the success of the mosque institution lies with the comprehensive integration of efforts of the mosque institution, NGOs, CBOs, FBOs and GoK.

The study concludes that the mosque institution, being trusted by both the government and the public, is well placed in coordinating efforts by different actors thereby providing a proactive, harmonized and integrated approach to dealing with the cattle rustling and banditry menace. Therefore, based on the findings, the study recommends that there should be a well-organized system of involvement and coordination of activities carried out by the mosque institution and other relevant Muslim Organizations and Government agencies, capacity building and empowerment, accountability and improved follow-up of incidents of cattle rustling and banditry to avoid duplication of efforts.
CHAPTER ONE

INTRODUCTION

1.1 Background to the Study

Cattle rustling is common among pastoralists worldwide. Traditionally, pastoralists engage in it as a means of expanding grazing lands, to replenish lost herds following harsh climatic conditions and to obtain cattle for bride wealth, among other reasons Hendrickson, et al., (1996: 17). Lately, the use of modern weaponry instead of traditional ones such as spears, bows and old rifles has introduced a worrying dimension to this phenomenon. To further compound this reality is the disrespect for the traditional conflict resolution and peace-building mechanisms, hence greatly increasing the adversity in terms of intensity, casualty and extent of these conflicts Goldsmith, (1997: 11); Markakis, (1999:3); Mburu, (1999: 11); Mkutu, 2005:75; and, 2007: 48). In this way, cattle rustling becomes a great concern to governments, national and international organizations, scholars and religious leaders in different parts of the world.

A case in point is the Horn of Africa region which has witnessed increased cases of cattle rustling and banditry fuelled by the proliferation of small arms in the border areas Markakis, (1999:3); Mkutu, (2005:75; and, 2007:47-70). Countries that neighbour Kenya’s northern borders (Ethiopia, Somalia, and South Sudan) have frequently been in the throes of civil wars, contributing to the escalation of local conflicts and banditry among pastoralists in the region Daily Nation, (August 28, 2008). Such conflicts transgress the value of peace and harmony which are a prerequisite for sustainable livelihoods of different communities.

Kenya has also experienced intermittent cattle rustling and banditry attacks between the Borana and the Gabra communities in Marsabit, the Pokot and the Turkana, the Agikuyu and the Pokot, the Samburu and the Kalenjin in the Rift Valley as well as the Garre and the Murule in Mandera County Little, (1987: 195); Markakis, (1999:3); Mkutu, (2000:13; and, 2007:47). Garissa, Wajir and Mandera counties which are categorized among the arid and semi-arid lands (ASALs) of Kenya have also had their share of increased cases of cattle rustling and banditry. These counties are normally hot and dry throughout the year except for some erratic, scarce and unpredictable bimodal rains, which fall in the months of March, April and October through December (Weiss,
Scarce rains coupled with frequent droughts and harsh temperatures have forced eighty per cent of the population to derive income from livestock production - herding camels, cattle, sheep and goats Umar, (1994: 19); Buchanan-Smith & Lind, (2005:10).

Consequently, this study focuses on the magnitude of the challenge of cattle rustling and banditry in Mandera East of Mandera County. Mandera East having seven administrative divisions, is predominantly inhabited by a Muslim population of about 79,141 persons (Republic of Kenya –RoK-, 1999; RoK, 2002-2008). The inhabitants of Mandera East are predominantly Murule, Garre, Degodia and other ethnic groups of the larger Somali community Women For Peace and Development –WFPD-, (2003). Mandera East has many active international and regional Non-Governmental Organizations (NGOs). These include the Consortium of Cooperating Partners (COCOP), International Islamic Relief Organization (IIRO) and Africa Muslim Agency (AMA). There are also local Muslim NGOs such as Emergency Assistance Pastoral Group of Kenya (EPAG-K), Mandera Educational Development Society (MEDS), North Eastern Muslim Welfare Society (NEMWS) and several Community-Based Organizations (CBOs) including WFPDs, Mandera West, Mandera Central and Mandera East peace committees (Arid Land Resource Management Programme –ALRMP-, 2008a: 4; ALRMP, 2008b: 3; United Nations (UN) Office for the Coordination of Humanitarian Affairs, 2008:5).

All these international, regional and local organizations consider conflicts, cattle rustling and banditry as major challenges to socio-economic development. Mandera East is characterized by increased cattle rustling and banditry including opportunistic crimes and inter-clan feuds involving the Garre and Murule.

The cattle rustling and banditry situation is further compounded by the fact that the border with Somalia is porous. Subsequently, due to lack of a physical or controlled border, armed Somali bandits (formerly known as shifias) regularly raid Kenyan territory. Mandera East further suffers from occasional bloody raids and guerilla activity from the Oromo Liberation Front (OLF) based in Ethiopia who steal livestock and cause bloody skirmishes Weiss, (2004:1); ALRMP, (2005:8).

Increased insecurity in the district has led to, among others, reduced resource base, sedentary lifestyles, reduced viability of livestock, high commodity prices, reduced investments, few and
poor employment opportunities, reduced educational opportunities, and diversion of scarce resources to the purchase of firearms for self-defense instead of capital expenditure on welfare. Free movement of people and goods has also been curtailed; people need heavy armed police escort to avoid ambush by bandits Hassan, (1997:7); Belshaw, (1999:6); Weiss, (2004:1). Further, incidents of rape, highway robberies, carjacking and armed robbery are rampant Practical Action, Mandera Office, (2008).

The government, in line with the National Strategy of Sustainable Development commonly referred to as Vision 2030 has been trying to empower existing peace committees such as WFPD; Mandera West, Mandera Central, and Mandera East peace committees through workshops, peace declarations and peace accords under the umbrella of ALRMP (RoK, 1997-2001:36; RoK, 2002-2008: 41; RoK, 2007:25; RoK, 2008:236). The government has also been trying to encourage efforts by some NGOs, CBOs and local Muslim leaders to curb cattle rustling and banditry. Notably, intermittent clashes pitting the two largest Somali community clans in the district, the Garre and Murule led to peace-brokered by a group of eminent Muslim leaders from the Supreme Council of Kenya Muslims (SUPKEM) and imams in charge of various mosques, in 2005. The truce, however, did not last for long. The two communities have continued to raid each other (ALRMP, 2005:8; Daily Nation, November 28, 2008). This is a big challenge to Muslim religious leadership under the auspices of mosque committees and Council of Imams of Kenya in view of Islamic teachings on peace and tranquillity and strict prohibition of crimes related to stealing, robbery and murder (Doi, 1998:70; Shad, 2005:21).

Severe punishment has been laid down for banditry and highway robbery (Quran 5:33-34; Sahih Al Bukhari, Vol. VIII, 1993:537). For the theft, the cutting of the hand is prescribed. In accordance with the Quran, theft is punished by imprisonment or amputation of hands or feet, depending on the number of times it was committed and also on the items of theft. However, before punishment is executed two eye witnesses under oath confirm that they saw the person stealing. If the witnesses are not forthcoming, then the punishment cannot be executed. In addition, there are several conditions related to the theft, stolen items and circumstances. All of these must be met under the scrutiny of judicial authority (Quran 5: 38-39). The Qur’an and Hadith teach that justice is a command of Allah; whosoever violates it faces grievous
punishment: "Allah commands justice, the doing of good, and charity to kith and kin, and He forbids all shameful deeds, and injustice and rebellion" (Quran 16:90). The Qur'an explicitly forbids mischief, banditry and other crimes in society. Prophet Muhammad (PBUH) is quoted having remarked that one is not a believer if the neighbour is not safe from his injurious conduct (Sahih Al Bukhari, Vol. VIII, 1993:31).

Justice in society is of fundamental importance to mutual co-existence and harmonious relations among different communities. Islamic traditions and the teachings of the Prophet serve as exemplary models in this respect (Quran 49:9-10; Sahih Muslim Vol. III 1979:942-1002; Al-Bakhari Vol. 8: 1993. 21-45). These teachings are disseminated through the mosque institution. They form the basis of the mosque institutions’ mandate in prevention of cattle rustling and banditry. The mosque represents the fundamental organization of Muslims in a particular region or locality. The leadership of the mosque works under the guidance of the mosque committee that collaborates closely, with the offices of the imam, kadhi, SUPKEM, madrassa committee, and other Muslim organizations and institutions that deal with the socio-religious, economic, political and security welfare of all Muslims.

It is apparent that conflict prevention and management approaches by the Government of Kenya (GoK) have generally not succeeded in deterring cattle rustling and banditry in Mandera East. The government on one hand seems to lack the capacity to control the situation without the strong support of Muslim and other local institutions. NGOs on the other have focused on conflict prevention and management through different organizations such as WFPD and Mandera Elders for Peace and their focus is short-term predominantly to avoid violent encounters between warring parties (Belshaw, 1999:19; ALRMP, 2005:8). These approaches require urgent remedial measures involving comprehensive and affirmative efforts of GoK, local CBOs, NGOs and the mosque institution in combating cattle rustling and banditry in Mandera East. In the light of these, this study focused on the role of the mosque institution in the prevention of cattle rustling and banditry in Mandera East.
1.2 Statement of the Problem

From the foregoing background, it is evident that banditry, cattle rustling and armed robbery are a common phenomenon in Mandera East. This is a critical situation given that Mandera East is predominantly Muslim. The teachings of Islam as gathered from the Holy Quran, Hadith, publications of Muslim scholars and activities of Muslim leaders that are conveyed in mosques concerning social responsibilities based on the penal laws of Islam (hudud) prevent, restrain and prohibit unlawful activities and actions such as cattle rustling and banditry.

In this regard, and considering that WFPD has adversely reported banditry and cattle rustling in their annual report (2003), the mosque committees and other Muslim institutions have been putting in place security committees and peace initiatives to combat the menace of cattle rustling and banditry. Peace, harmony and co-existence of communities are also stressed further by all Islamic institutions yet the problem of cattle rustling persists among the Muslims of Mandera East. Why is there such a contradiction between faith and practice? Are there external interferences? Is the mosque institution not disseminating adequate information required for change of attitude among the Muslims? What are the bases or the motives to engage in cattle rustling and banditry?

Perhaps one of the major challenges of mosque and local organizations is lack of recognition and empowerment by the GoK. In addition, efforts by the GoK through its own security agencies appear inadequate or ineffective in curbing cattle rustling and banditry in Mandera East.

1.3 Research Questions

1. What are the main causes and impact of cattle rustling and banditry in Mandera East?
2. What are the Islamic teachings on the prohibition of crime in general?
3. What are the Islamic teachings on the prevention of cattle rustling and banditry?
4. What are the efforts and constraints of the mosque institution in curbing cattle rustling and banditry in Mandera East?
5. What constraints face the mosque institutions in its efforts to overcome the prevalence of cattle rustling and banditry
6. What can be done to integrate the efforts of the mosque institution, NGOs and GoK in order to effectively combat cattle rustling and banditry in Mandera East?

1.4 Objectives of the Study

The objectives for this study were to:

1. Discuss the major causes and impact of cattle rustling and banditry in Mandera East.
2. Examine the Islamic teachings on the prevention of cattle rustling and banditry among Muslims.
3. Assess the efforts made by the mosque institution, indigenous organizations and government as well as accompanying challenges in curbing cattle rustling and banditry in Mandera East.
4. Identify and discuss the strategies of combating cattle rustling and banditry in Mandera East from an Islamic viewpoint.

1.5 Research Premises

1. Cultural, political and socio-economic factors are responsible for cattle rustling and banditry in Mandera East.
2. Islamic teachings emphatically prohibit cattle rustling and banditry by prescribing amputation of limbs for the culprits among other measures.
3. Are the efforts by the mosque institution harmonized with those of NGOs and GoK through public sensitization, formation of security committees and rehabilitation programmes?
4. Integrated approaches of mosque institution, NGOs and GoK strategies can mitigate the proliferation of cattle rustling and banditry in Mandera East.

1.6 Significance of the Study

This study is significant because of the following reasons:

1. There is limited literature Little, (1987: 195); Markakis, (1999:3); Mkutu, (2007:47-70); Weiss, (2004:1) on the role of the mosque institution in prevention of cattle rustling and banditry. This study, therefore, by documenting this aspect, could immensely contribute
to knowledge and literature on Islamic studies, criminology and historical trends of banditry.

2. The findings of this study are relevant to policy-makers and other stakeholders such as NGOs and CBOs in formulating viable policies and intervention programmes to limit cattle rustling and banditry in Muslim dominated regions.

3. The local community will hopefully benefit when the cattle rustling and banditry practice is managed because they will be safe from the threat of regular harassment by cattle rustlers and bandits.

1.7 Scope, Limitations and Delimitation of the Study

1.7.1 Scope

This study was carried out in Fino and Central divisions of Mandera East in Mandera County, Kenya. The study was prompted by the fact that cattle rustling and banditry are major social, political, economic, moral and religious challenges among Muslims in Mandera East. The target population consisted of Muslims inhabiting Mandera East totalling to 79,141 persons RoK, (2002-2008:41). In addition the study targeted government agencies, NGOs, CBOs and Faith Based Organizations (FBOs), which focus on issues of security, peace building, banditry and cattle rustling.

1.7.2 Limitations

Though it would have been desirable to conduct a study in the entire Mandera County, time and financial constraints forced the researcher to confine himself to Mandera East principally Fino and Central divisions. Besides, insecurity around the Kenyan common borders with Somalia and Ethiopia constrained the researcher’s access to information-rich border points. Another limitation of this study is that the research relied mostly on self-reported information using self-administered questionnaire as the sources for data collection due to the high illiteracy. The weakness of such an approach is that some respondents may falsify information. Other limitations for this study included the tough terrain, poor transport infrastructure and general poverty making it difficult to traverse the study area during data collection. The researcher made special travel arrangements to overcome some of these challenges.
1.7.3 Delimitations
The study was demarcated by limiting the scope (defining the boundaries of the inquiry) and sampling. The research did not cover broad issues outside the role of the mosque institution in prevention of cattle rustling and banditry in Mandera East, Mandera County. Besides, the researcher sampled the respondents to provide information for the study instead of using the entire target population.

1.8 Literature Review
The literature related to the study has been reviewed under four broad themes namely, Islamic teachings on cattle rustling and banditry prevention, causes of cattle rustling and banditry; the impact of cattle rustling and banditry on socio-economic development; and strategies for minimizing cases of cattle rustling and banditry with special reference to Mandera East.

1.8.1 Islamic Teachings on Cattle Rustling and Banditry Prevention
Islam is emphatic on prohibition of all crimes such as murder, theft, rape, and abduction, including livestock stealing hence it has in place severe punishment to address the matter so communities could co-exist peacefully. The culprits are referred to both in the Quran and the tradition of the Prophet as those who wage war against the system of Allah and His Apostle by practicing mischief through the land (Ahmed, 1994:15; Doi, 1997:141; Abdalati, 1998). Hence execution or crucifixion or cutting off of hands and feet from opposite side or exile from the land had been prescribed as their judgement. As evidenced also in the traditions of the Prophet, a companion of the Prophet (P.B.U.H) Anas Ibn Malik narrated:

Some people from the tribe of Ukl came to the Prophet and embraced Islam. The climate of Madina did not suit them, so the Prophet ordered them to go to the camels of charity and to drink their milk and urine as a medicine. They did so and when they had recovered from their ailment, they killed the shepherd of the camels and took the camels away. After their pursuit and brought to book the Prophet ordered that their hands and legs be cut off and their eyes be branded with the heated pieces of iron and not to be cauterized their bleeding limbs, till they died (Sahih Al Bukhari Vol.:8:1993:537);
The foregoing Islamic literature is categorical on the prohibition of livestock theft and forms the bedrock of this study which investigated the contribution of the mosque institution in the prevention of cattle rustling and banditry in Mandera East.

The mosque is the basic Islamic institution that interprets the Sharia (Islamic laws). It is the watchdog of all Islamic institutions, or organizations. A mosque (masjid) is a place where Muslims offer their prayers, “a place of public religious service”, a cultural centre of Islam and a spiritual centre. (Doi, 1998:141). A mosque is also a place of gathering or jami. Shad (2005:21) indicates that a mosque is “the House of Allah and a place of worship”. Other functions of the mosque include a centre for religious, legal (courts of justice), social and political affairs such as carrying out civic education. (Doi, 1998:44-45). Shad (2005:21) further observes that the mosque also serves as an educational institution, a council chamber or a secretarial office. In short, all issues relating to individual and national welfare could be performed within the mosque. The foregoing authors bring to the fore the centrality of the mosque in individual, communal and societal affairs. In the light of these observations, this study explored how the mosque institution can be engaged in efforts to combat cattle rustling and banditry menace with reference to Mandera East.

The fundamentals of Islamic tenets and doctrines celebrate the virtues of peace and co-existence. The concluding words of the daily prayers of every Muslim are expressions of peace. According to Abdalati (1998:41) the adjective “Muslim” implies nonviolence. The Quran states,

O you who believe! Let not a group scoff at another group, it may be that the latter are better than the former... Nor defame one another, nor insult one another by nicknames. How bad is it to insult one’s brother after having Faith.... (Quran, 49:11).

Islamic teachings emphasize on morality. Islamic morals deal with relationship between man and God, man and his fellow beings and other creatures in the universe. Refraining from harming one’s neighbours is a part of faith. From the foregoing, it is evident that the Islamic teachings
emphasize on peaceful co-existence and avoidance of disruptive activities such as cattle rustling and banditry.

From the foregoing literature review, it is apparent that very little has been written (Little, 1987:195; Markakis, 1999:3; Mkutu, 2007: 47-70; Weiss, 2004:1) on the role of mosque institution in attempts to stamp out banditry and cattle rustling. While historically cattle rustling were part of a broader strategy of coping with shortages and drought, it has now reached unprecedented levels of violence. From Islamic perspective cattle rustling and banditry are abhorred. This study has tried to fill this gap by offering insights on the role of mosque institutions in this endeavour in Mandera East.

1.8.2 Causes of Cattle Rustling and Banditry

Hendrickson et al., (1996:17) observe that in the traditional set up, cattle rustling was a common activity among pastoralists worldwide. It was regarded as a means of expanding grazing lands, to replenish lost herds following harsh climatic conditions and to obtain cattle for bride wealth, among other reasons. But according to Goldsmith (1997:11), Markakis (1999:3), Mburu (1999:11), Mkutu (2005:75,2007:48), the use of modern weaponry such as guns instead of traditional ones such as spears and bows has introduced a worrying dimension to them. Hence the shift from the traditional mode of livelihood and the extent of the impact of modern-day cattle rustling and banditry menace was a major issue of concern for this study.

A study by Mburu (1999:11) on Kenya, Eritrea, Uganda, Sudan and Ethiopia identifies factors contributing to cattle rustling and banditry. They include environmental, cultural, commercialization of banditry, ethnocentrism, political incitements, economic deprivation and political disenfranchisement of nomadic ethnic groups, availability of small arms, inadequate policing and lack of state security arrangements, diminishing role of traditional governance structures, competition over limited natural resources, the traditional inter-clan feuds, and increasing levels of poverty and idleness among the youth. Whereas the factors highlighted in this study are relevant, the study’s wide scope could not allow the author to address issues specific to Mandera East hence prompting this study.
Literature on the underlying causes of the cattle rustling and banditry that characterize Garissa, Wajir and Mandera counties are numerous and diverse. The literature suggests that cattle rustling and banditry are influenced by inter-communal hostilities (Little, 1987: 195; Markakis, 1999:3; Lynch, 2006; Mkutu, 2000:13; 2007:47-70), struggles over resources such as land, pasture, water, cattle and business opportunities (RoK, 1992:41; Amisi, 1997:2; ALRMP, 2005:8; ALRMP, 2008b:3), historical marginalisation by the government (Weiss, 2004:1), proliferation of small arms (Belshaw, 1999:19; Mkutu, 2007:47), political rivalry (Ibrahim & Jenner, 1996:9), and porous borders among other reasons. These have resulted in armed incursions into Kenyan territory from Somalia and Ethiopia, among other reasons (Schlee, 1989:4; Goldsmith, 1997:11; Weiss, 2004: 1; and ALRMP, 2005:8). Though these studies are indicative of the multifaceted nature of the causes of cattle rustling and banditry, they do not address the integral nature of the solutions, a gap this study fills.

Little (1987: 195); Markakis (1999:3); Mkutu (2000:13and 2007: 48) argue that cattle rustling and banditry in Mandera East is due to inter-communal hostilities. The two largest clans in the larger Mandera County, the Garre and Murule, have had a long history of periodic protracted struggles over grazing land dating back to the 1920s. Subsequently, the demarcation of parliamentary constituencies in the larger Mandera County has had the effect of dividing the pastoral communities along clan lines. This has created animosity among people who might have shared grazing land before the delineation of political boundaries. For example, during the fighting between the Garre and the Murule in Mandera early in 2005, the Garre had wanted to return to their pre-colonial grazing areas. But, they were driven back by the Murule. The latter were convinced that the Garre were encroaching on territory that had become their political constituency. These studies, however, did not incorporate the solutions in their findings thereby providing justification for this study.

Ibrahim and Jenner (1996:9) blamed Kenyan state actors for complicity in commercialized livestock rustling and banditry in the region. On the one hand, politicians exploit local tensions in pursuit of parochial political and economic ambitions and gains. In addition, different elements of the state, such as District Commissioners (DCs), Members of Parliament (MPs),
chiefs or security committees, pursue their different individual agenda. Findings from this source are instructive but do not clearly show how the otherwise conflicting interests of various state actors, and the local community could be harmonized to curb cattle rustling and banditry. Hence this study seeks consolidated efforts of various stakeholders to mitigate the menace.

Lynch (2006:49) observes that the politics of insecurity and identity all over Kenya, including those in Garissa, Wajir and Mandera counties, have in the past provided the government with a strong argument against pluralism and multi-party representation. According to Republic of Kenya (RoK1992:41) and Amisi (1997:2), this was part of a broader pattern of ethnic clashes throughout much of rural Kenya over the course of the 1990s, instigated by political elites and fuelled by competition for land, political representation, and control of local administration. Indeed, the northern tier of the Kenyan border area – Wajir and Mandera counties, as well as adjacent counties such as Moyale, Marsabit, and Isiolo – became the scene of serious and uncontrolled clashes between rival ethnic groups in the 1990s and in subsequent years (ALRMP, 2005:8; ALRMP, 2008b:3). These scholars took informative position and failed to make any proposal for short- or long-solution, a gap this study filled.

Some scholars (Schlee, 1989; Goldsmith, 1997: 19; Weiss, 2004: 1; ALRMP, 2005:8) attribute the prevalence of cattle rustling and banditry on Kenya’s porous borders resulting in external influence from Somalia and Ethiopia which are unstable states. Border communities that inhabit Mandera County possess salient identity markers based on clans, citizenship, geography and caste. Goldsmith (1997: 11) indicates that Somali internal conflicts in the 1970s and 1980s had a direct effect on the rate of cattle rustling and banditry in northern Kenya due to influx of refugees and small arms. The scope of their study does not cover the impact of insecurity arising from the border countries such as Ethiopia and Somalia a gap this study addressed in the light of security situation in the region.

Goldsmith (1997: 11), Belshaw (1999:6) and Mkutu (2007: 47-70) link cattle rustling and banditry to the proliferation of small arms. For example, Mkutu (2007:48) gives a descriptive account of modern pastoralist armed conflict, noting that small arms circulate in North-East Africa. This compounds harmonious relations in the region. He proposes an integrated regional
approach where improved security, community involvement and economic development precede and accompany disarmament. Belshaw (1999:6) attributes the increasing cases of insecurity to the easy access to illegal firearms. Indeed, according to a 2008 Small Arms Survey Report, Kenya has a considerable stockpile of weapons (500,000 to 1,000,000). It also has some domestic capacity to produce small arms and ammunitions. In northern Kenya, 40 per cent of ammunition on the illicit market has leaked from Kenyan armed forces (Small Arms Survey Report, 2008:4). Goldsmith (1997:19) also points out how the “commercialization of banditry” has been boosted by the proliferation of modern automatic weapons. Sale of raided livestock and the use of hired fighters have become the trend. Hendrickson (1996: 17-30) makes a distinction between “redistributive raiding” which is often internal to pastoral economy, and “predatory raiding”, which is often driven by external forces. While the former is associated with clan raiding, the latter is associated with commercial raiding. This in turn led to what is commonly referred to as commercialization of cattle rustling. The foregoing research findings illustrate efforts to understand the phenomenon of cattle rustling and banditry. These observations underline the usefulness of regional approach to addressing cattle rustling and banditry but on a wider scope. The present study addressed cattle rustling and banditry in Mandera East through grassroots strategies involving mosque institution and other stakeholders.

Weiss (2004:1) notes that Garissa, Wajir and Mandera counties have been marginalized historically. The central government hardly allocates adequate resources for both civil and security services, rendering the civil administration and the police incapable of effectively managing ever-increasing cases of cattle rustling and banditry in Mandera County. In turn, local communities in the face of the weak state’s capacity to exercise authority take the law into their own hands; clans and families arm themselves for self-defence. While it is true that inadequate allocation of funds by the central government partly explains the prevalence of cattle rustling and banditry in Mandera East. Weiss (2004:1) does not discuss the impact of insecurity arising from the unstable border countries such as Ethiopia and Somalia a gap this study addressed.

Witsenburg and Roba (2004:693) observe that the Swynerton Plan of 1954 introduced the concept of title deeds in Kenya. The policies in the plan encouraged land titling and registration, de-stocking of pastoralists, and introduction of grazing controls. However, land tenure in Kenya
is complicated by the fact that in many parts of the country, traditional models of governance continue which often contradict the statute law. In the absence of coherent national land policies, cattle rustling, or raiding, has become a major conflict risk for the pastoral communities in Kenya. The above study revealed that the two conflicting land tenure systems were behind the cattle rustling and banditry menace. This is relevant to present study in the sense that there is a connection between the land tenure system and the communal land ownership. However, the findings did not recognize how the use of an integrated approach involving all the stakeholders can mitigate the prevalence of cattle rustling in Mandera East. This present study has addressed this gap.

1.8.3 Impact of Cattle rustling and Banditry on Socio-economic Development in Mandera East

Cattle rustling and banditry have had negative and severe impact on the communities that are involved in this practice. The consequences of cattle rustling and banditry include loss of human life and property. They also are responsible for displacements of large segments of the communities, disruption of socio-economic activities and livelihoods, increased hatred among communities, environmental degradation and threat to water catchments areas (Waqo, 2003:3; Pkalya et al., 2006). These studies are relevant for highlighting the negative consequences of cattle rustling and banditry.

The prevalence of cattle rustling and banditry has had negative implications on the socio-economic and political map of Garissa, Wajir and Mandera counties. Weiss (2004:2) notes that the likelihood of insecurity arising from frequent cattle rustling and banditry in Mandera East has reduced the socio-economic well-being of the pastoral communities by pushing them into a sedentary lifestyle. The other effects include reduced viability of livestock as a commodity; reduced commerce and trading activities; unavailability of basic commodities, their scarcity and high cost;; high poverty levels; reduced livelihoods of local populations; and increased isolation of Mandera East from the rest of the country due to insecurity. Belshaw (1999:6) indicates that protracted cattle rustling and banditry in pastoral areas contribute to the widening gap between pastoral groups and the rest of the country. Economically, they prevent investments and hinder development programmes. Politically, they contribute, through negative media
representation, to public images of pastoralists as archaic, unreasonable and violent. Omosa (2005) examines relationship between natural resource-based conflicts and pastoral livelihoods in Wajir County, Kenya. For him, the impact of conflicts at the household level is felt in terms of reduced access to food; interruptions in education; reduction in the number of livestock through raids; loss of life and property; degeneration of social relationships, and forced migration of families and livestock, among others. These authors did not deal with the role of the mosque institution in mitigating the negative effects of cattle rustling and banditry which this study has investigated.

Hassan (1997:7) observes that cattle rustling and banditry jeopardize contact between neighbouring or adjacent communities. The vices consequently threaten well established social networks such as inter-clan marriages and institutions, which have proved to be crucial for coping with uncertainty. According to Seifert (1993:2), frequent cattle rustling and banditry increase the risks of rape and abduction of women. This in turn sets up young girls’ pressure for early marriages. Increasingly, most of the victims of cattle rustling and banditry are civilians, mainly women and children. Bandits gather women and children into houses and then set them on fire causing heavy casualties. The foregoing work makes the case for religion in ending cattle rustling and banditry menace, a role the mosque institution can discharge, hence the focus for this study.

1.8.4 Strategies for Minimizing Cases of Cattle Rustling and Banditry in Mandera East

Efforts to prevent and mitigate cattle rustling and banditry involving pastoralists require developing and implementing effective programmes and measures to tackle the menace by local, national and international stakeholders. Buchanan-Smith and Lind (2005:4) call for increased government presence coupled with an effective gun control policy to scale down the escalating cattle rustling and banditry attacks. This observation supports this study in its attempt to use an integrated approach involving the government, NGOs, CBOs and the mosque institution in curbing cattle rustling and banditry in Mandera East.
Mkangi (1997:3) observes that women are crucial in formal mediation systems. They are strategically significant particularly because they marry out of their clans. In this way, they often provide important inter-clan link alliances as crucial communication channels between rival clans. Reliance on customary clan law and traditional elders is also a viable strategy. These observations are important but there is need to recognize the importance of Islamic teachings on life and property and the concept of \textit{umma} in mitigating the menace of cattle rustling and banditry in Mandera East. This was a critical focus of this study.

Small Arms Survey Report (2008:4) indicates that in March 2000, 10 regional countries including Kenya signed the Nairobi Declaration with the aim of managing the flow of illicit weapons into and within the region. In a demonstration of its commitment, in March 2003, the GoK destroyed 1,000 small arms that had been confiscated. In March 2007, Kenya burnt up to 8,000 small arms in its fourth national small arms destruction event. Still, there is an-ongoing government programme of disarming people holding illegal arms that are frequently used for cattle rustling and other banditry activities. This report implies that small arms are still possessed illegally despite the foregoing single-handed approach by the government, hence the study.

RoK (2007:25) provides for the establishment of policy, legal and institutional framework to ensure security, conflict management and inter-community dialogue. In response, county peace committees on cattle rustling have since been established in a number of administrative areas including West Pokot, Turkana, Marsabit, Samburu, Laikipia, Baringo, Moyale, Isiolo and Trans Nzoia. The government has also set up the National Steering Committee on Peace Building and Conflict Management meetings that are held quarterly. The Ministry for Internal Security and Provincial Administration has increased the number of police stations in areas prone to banditry and cattle rustling as well as opening access roads to improve police patrols (ARLMP, 2008a:4). The other effort by the GoK include the establishment of the inter-state conflict resolution with regard to cattle rustling and banditry: joint commissioners and administrators meetings under the auspices of the East African Police Commissioners Forum to deal with cross border conflicts and general insecurity. Besides, the GoK has intensified and strengthened border patrols to protect citizens from cross-border banditry (Small Arms Survey Report, 2008:4). There is need to
establish whether or not the efforts being undertaken by the government have succeeded or not. The current study investigated how such efforts could be integrated with the mosque institution.

According to the Practical Action Mandera Office Report (2008:1) and Mandera WFPD Report (2003:2), local peace committees such as Women For Peace and Development (WFPD) and Mandera Elders for Peace (MEP) have typically been involved in settling recurrent disputes over murder, assault, and raiding through peace committees. They also facilitate agreements between conflicting parties. Such pacts are then recognized and followed up by government. They note that peace committees involve a broad spectrum of people, including elders' representative of different clans and ethnic groups, professional elites, religious leaders, women, youth and members of the district administration. They also facilitate cross-border ties by involving corresponding peace committees. There is a lacuna in the effectiveness of peace committees within the framework of mosque institution. Emphasis was given to Islamic teachings and tenets, especially the critical role played by the mosque institution in this endeavour.

1.9 Theoretical Framework
Existing theories and conceptual models give varied explanations for cattle rustling and banditry. They range from socio-economic, political and cultural to environmental factors. In this regard, a number of explanatory models, for example, Modernization Theory (Krätli), New Range Ecology (Scoones) and the Populist Approach (Fratkin), among others, have attempted to explain cattle rustling and banditry. Some of these theories appear general while others are rather abstract or ambiguous with regard to explaining dynamics of cattle rustling and banditry among Muslims.

Modernization Theory of Development (Krätli and Swift, 2000: 14), for instance, understands pastoralism as an irrational and self-destructive system of production devoid of access to welfare services such as health and education among others. In such a system, dysfunctions such as cattle rustling and banditry are the norm rather than the unexpected. Similarly, New Range Ecology (Behnke & Scoones, 1993:5). models suggest that negative manifestations of pastoralism such as cattle rustling and banditry are inevitable but not essentially destructive as they are culturally accepted among the postralist.
The Populist Approach (Fratkin, 1994:269) indicates that cattle rustling and banditry are due to demographic growth, clashing production strategies, resource use regulations (Oba, 1992:146), and "external disturbances" (Dyson-Hudson, et al., 1982:7; Little, 1985: 243; Little, 1987: 195; Hjort, 1981:50). Though these theories provide information on cultural cattle rustling, they do not adequately address cattle rustling and banditry from the religious viewpoint. This study sought to analyse and exemplify the menace of cattle rustling and banditry from the religious perspective and sought a model that addresses the menace of cattle rustling and banditry from an Islamic viewpoint.

Some scholars attempt to explain the role of religion in enhancing peace, tranquillity and psychosocial transformation. One of such theories is the Functionalist perspective by Emile Durkbeim (1915). It explains institutions such as religion in terms of the role they play within a given society, particularly with positive effects such as morality and social norms. Accordingly the fundamental purpose of religion is to encourage social order, harmony and stability. This theory is partly relevant in explaining socio-cultural and economic factors underlying cattle rustling and banditry from the general viewpoint and also the functional role of religion in society.

1.10 Conceptual Framework

The main conceptual model that guided this study was the Islamic paradigm of peace as reconstructed from the Islamic principles. Islamic paradigm is reconstructed from the Holy Quran and Hadith. Specifically, Islam recognizes the equality of all human beings and the right to work, live, and own property acquired by permissible and legal means (Quran, 17:32). Islam, therefore, is specific as seen in the following principles. Firstly, any form of crime, which denies fellow human beings these fundamental rights is prohibited hence punishable. The Quran declares: "Do not devour one another’s wealth by false and illegal means" (Quran, 2:188).

Secondly, theft (or robbery) is considered to be a grave crime and a sin. In a Hadith of the Prophet, a thief is not a believer at the time when he is committing a theft (Sahih Al-Bukhari Vol. 8, 1993:537). Thirdly, cattle rustling and banditry besides being offences against the human
society also amount to waging war against the creator Allah and teachings of His Apostle Muhammad (PBUH). Cattle rustling and banditry, therefore, violate the established principles of fundamental ideals of equity and justice for all. Cattle rustlers (bandits) in this regard are criminals by law and deserve capital punishment.

Fourthly, the Quran presents Allah as the source of peace. The word Islam is derived from the Arabic root word, salm which means peace. Moreover, the theological, moral and socio-political foundation of Islam attests to the fact that Islam is a religion of peace as embodied in the basic tenets of Quran and Hadith (Sahih Al Bukhari, Vol. 8, 1993:537; Quran, 64:14; 3:134; Abdalati, 1998).

The Islamic concept of peace pre-supposes that the interaction among Muslims is guided by the Quranic precepts of Qur’an and Hadith. The mosque is expected to enforce Islamic principles and restrictions of all Sharia as prescribed in the Holy Quran and Hadith. This is because mosque is an arena for education, leadership, worship, enforcement of social, political and economic responsibilities. In the light of this, Islamic paradigm of peace was employed to explore Islamic teachings and restrictions on the sanctity of human life and the respect of private property, identify and examine the main causes of cattle rustling and banditry, and discuss the efforts, if any, being made by mosque institution to mitigate cattle rustling and banditry in Mandera East. The conceptual model applicable to this study is summarized in Fig. 1.1.
Figure 1.1: Conceptual Model for Integrated Approach of Cattle Rustling and Banditry Prevention

Challenges of Cattle Rustling and Banditry

GoK

NGOs

CBOs/FBOs

Mosque Institution

Integrated and Proactive Approaches to Mitigation of Cattle Rustling and Banditry
Level A: Challenges of Cattle Rustling and Banditry

Level A shows the existing condition that prevails in Mandera East. The study shows that the challenges in the quest to curb cattle rustling and banditry in Mandera East include non-coordination by the Government of Kenya, instability in Somalia, financial constraints, lack of transport, poor logistic and other related services, tribalism and clannism, illiteracy, conflicts between government laws and Sharia laws be applied to deal with the vice (that is, lack of enforcement mechanisms) and the influx of refugees and criminals.

Level B: GoK, NGOs, CBOs and FBOs

This level represents GoK, NGOs, CBOs and FBOs security programmes and initiatives. These are key players that use different approaches to combat and subdue the challenges of cattle rustling.

Level C: Mosque Institution

According to the study, the mosque institution undertakes a number of activities in its endeavour to curb cattle rustling and banditry in Mandera East. These activities include dialogue with the youth, positive behaviour change, peace caravan, religious roadside preaching, police dialogue, chiefs dialogue, intermadrassa competition, rapid response initiatives and monitoring the implementation of peace agreements through conducting monthly meetings/workshops and publication of monthly progress reports and trauma healing. The strategies the mosque institution uses include religious advice, promoting good neighbourliness and peaceful co-existence, preaching, establishing and supporting peace committees, reconciling conflicting parties and enforcing Islamic principles.
Level D: Integrated and Proactive Approaches

This represents integrated and proactive interventions of curbing cattle rustling and banditry from an Islamic perspective under the umbrella of the mosque institution. In this regard the success of the mosque institution lies with the integration of efforts of the mosque institution, NGOs, CBOs, FBOs and GoK in combating cattle rustling and banditry in Mandera East. The present study cumulatively consolidates and harmonizes various approaches to create room for actors to complement one another in combating all crimes in general and cattle rustling and banditry in particular.

1.11 Research Design and Methodology

This section describes the process by which this study was conducted, namely research design, area of study, study population, research instruments/methods of data collection, sampling procedures and sample size and data analysis procedures.

1.12 Research Design

This study used the descriptive survey design. This is where the researcher collected data from the field with the help of questionnaires and discussion guides. Thereafter, he presented findings on the state of affairs guided by the objectives and the conceptual framework. The choice of the descriptive survey research design was made based on the fact that in this study, the researcher was interested on the state of affairs already existing in the field on the role of the mosque institution in the prevention of cattle rustling and banditry.

1.13 Study Area

The study was carried out in Mandera East (See appendix A3 & A4). This administrative area was hived from the greater Mandera County in 2007 (United Nations Office for the Coordination of Humanitarian Affairs, 2008:5). It borders Mandera Central to the South, Mandera West to the West, Somalia to the East and Ethiopia to the Northwest. The administrative area is divided into seven administrative divisions, namely, Central, Fino, Hareri, Khalalio, Lafey, Libehia and Warankara. Livestock keeping is a predominant economic activity in Mandera East. The
researcher collected data from two divisions, namely, Fino and Central, Fino Division neighbours Somalia while Central Division neighbours Ethiopia.

These are the divisions most affected by the cattle rustling and banditry menace due to the influx of refugees from Somalia and Ethiopia Kratli & Swift, (1999: 47). Abdullah Abdikadir (Ol. 14-8-2009); Seyyid Ahmed (Ol. 21-7-2009); and Hussein Adan (Ol. 16-7-2009)

Table 1.1: Administrative Divisions in Mandera East and Population Size

<table>
<thead>
<tr>
<th>Division</th>
<th>Population</th>
<th>No. of Major Congregational Mosques</th>
</tr>
</thead>
<tbody>
<tr>
<td>Central*</td>
<td>43,916</td>
<td>35</td>
</tr>
<tr>
<td>Fino*</td>
<td>7,910</td>
<td>05</td>
</tr>
<tr>
<td>Hareri</td>
<td>5,468</td>
<td>03</td>
</tr>
<tr>
<td>Khalalio</td>
<td>7,948</td>
<td>04</td>
</tr>
<tr>
<td>Lafey</td>
<td>7,865</td>
<td>04</td>
</tr>
<tr>
<td>Libehia</td>
<td>2,992</td>
<td>02</td>
</tr>
<tr>
<td>Warankara</td>
<td>3,042</td>
<td>02</td>
</tr>
<tr>
<td>Total</td>
<td>79,141</td>
<td>55</td>
</tr>
</tbody>
</table>

Source: Adapted from Republic of Kenya (RoK), 2002-2008:7

1.14 Study Population


1.15 Research Instruments and Methods of Data Collection

This study is based on primary data obtained through field research and secondary data obtained from secondary sources as discussed below.
1.15.1 Field Research

Primary data was collected through field research using open-ended questionnaires and observation schedules (Appendix A2) administered to various categories of respondents. The principal researcher and the assistant used self-administered questionnaires to collect pertinent information from a cross section of respondents. Self-administered questionnaires were considered appropriate for this study due to the high illiteracy in the study area and also to minimize non-response or low return rate. The study also applied Focus Group Discussions (FGDs), a method where between three and eight members were met and interviewed at the same time and venue. In this regard, a discussion guide (Appendix A1), audio tape recorder and note taking were handy. An observation guide (Appendix A2) was utilized to collect data on non-verbal behaviours within the research setting. An observation schedule was considered appropriate because it yielded data, which the researcher used to supplement the questionnaires for relevant information. Simple but salient direct observations were recorded during the research. The study also benefited from official government documents which were considered as primary sources.

1.15.2 Library Research

Secondary data was gathered from development reports and other published and unpublished materials. The data were gathered from libraries in private and public universities in Kenya, Kenya National Archives, GoK, UN and local and international NGOs resource centres.

1.16 Sampling Procedures and Sample Size

Different sampling methods were applied to select the respondents, namely, random, purposive and snowball sampling techniques. This study benefited from information provided by various categories of respondents that included Muslim religious leaders comprising of sheikhs, imams, mosque committee members and madrassa teachers. Other categories consisted of representatives of NGOs, CBO officials, government officials, youth groups’ leaders and village elders. The sample size for the two divisions, Fino and Central respectively was based on population size as indicated in Table 1.1.
1.16.1 Muslim Religious Leaders: Sheikhs, Imams and Mosque Committee Members

This category of respondents consisted of sheikhs, imams and mosque committee members. Sheikhs were important because by virtue of their critical position as Muslim scholars and spiritual leaders they are well-respected and have great influence over community individuals. Imams were selected because as spiritual and prayer leaders, they have more contact hours with large sections of the community hence command their respect. Mosque committee members were selected because they are respectable elders of high integrity. They supervise and are in charge of all mosque activities.

Random sampling technique was employed to get twenty (20) Muslim religious leaders. Of these, there were first ten (10) sheikhs, two (2) from Fino Division and eight (8) from Central Division. Then there are ten (10) imams from the ten major congregational mosques two (2) from Fino Division and eight (8) from Central Division. In addition, the study considered thirty (30) representatives of mosque committees six (6) from Fino Division and twenty-four (24) from Central Division. Three (3) committee members were randomly selected from each of the ten (10) major congregational mosques noted above. The sample size for the two divisions, Fino and Central respectively was based on population size as indicated in Table 1.1 Another factor that was considered was that Fino Division was rural-based while Central was urban-based.

The religious leaders gave information on the organizational structure, mission and activities that focus on implementation of Islamic ideals and Sharia in matters of safe-guarding human rights as well as security of people’s lives and properties. They also contributed on the challenges of the mosque institution in addressing cattle rustling and banditry in Mandera East. The religious leaders further gave data on challenges and prospects of integrating efforts of the mosque, GoK and NGOs for effective mitigation of cattle rustling in Kenya.

1.16.2 Madrassa Teachers

This category of respondents was selected because as spiritual teachers they are responsible for guiding the behaviour of young people. It is in the madrassas that religious education is offered. The study area has six (6) madrassa institutions four are in Central Division and two are in Fino
Division (where Islamic education is offered). Two (2) madrassa institutions in Central Division were randomly selected using simple random method and one (1) madrassa institution was purposively selected from Fino Division for the study. This was because of the large number of Institutions in Central Division while Fino had only two. The researcher administered questionnaires to two (2) head teachers and six (6) class teachers (three in primary schools and three in secondary schools) from Central Division. The researcher administered questionnaires to one (1) head teacher and three (3) teachers from Fino Division. A total of twelve (12) madrassa teachers participated in this study to provide information on the Islamic teachings on human rights, peace, justice and security. They further provided their views on prospects of the mosque institution in curbing cattle rustling and banditry in Mandera East.

1.16.3 Representatives of NGOs
This category of respondents was selected to participate in the study because of their involvement in community welfare and having integrated security issues in their development initiatives. Four (4) NGO representatives, two each from two of the most prominent local NGOs were randomly selected to participate in the study. Focus was made on NGOs which integrated issues of security and prevention of cattle rustling and banditry in their development initiatives. The key NGOs in the study location are the Consortium of Co-operating Partners (COCOP), IIRO and AMA. There are also local Muslim NGOs such as EPAG-K, MEDS, and NEMWS. Four (4) representatives two each from two international NGOs and four (4) representatives two from each two local NGOs were randomly selected to participate in the study. A total of eight (8) NGOs drawn locally and internationally provided information on the impact of cattle rustling and banditry in their development programmes in Mandera East. They also provided information on the strategies they use to address the problem and the prospects of integrating their initiatives within the framework of the mosque institution to bolster existing measures.

1.16.4 CBO Officials
The main CBOs are the following: Women For Peace and Development (WFPD), Mandera Elders for Peace, Maendeleo Ya Wanawake Organisation (MYWO) and Mandera East Peace Committee. This category was selected to participate in the study because of their grassroots
involvement in welfare, security and sensitization activities. Eight (8) representatives two (2) each from four (4) local CBOs with objectives and activities aimed at enhancing grassroots efforts in fostering security and combating cattle rustling were selected using purposive sampling to participate in the study. They provided information on the prevalence and impact of cattle rustling and banditry in Mandera East. They also provided information on the community based strategies used to address the problems. They further gave their views on the efficacy of the mosque institution to bolster existing security measures and strategies adopted by the organization to ensure peace.

1.16.5 Government Officials
This category of respondents was selected because as representative of the government machinery they enforce the law; they are custodians of criminal records and possess skills in handling public matters. Purposive sampling technique was employed to get ten (10) in this category five (5) from each division. They included two (2) divisional livestock officers, two (2) Divisional Officers (DO) and two (2) District Security Officers, one (1) from each division. They included four (4) chiefs, two (2) from each division. These officials provided information on the prevalence, impact and challenges of cattle rustling and banditry in the area and how they normally respond to such challenges. They also provided information on government strategies for dealing with cattle rustling and banditry in Mandera East.

1.16.6 Youth Groups
This category of respondents was selected to participate in the study because as organized young people who are mostly jobless, they are prone to manipulation to participate in cattle rustling and banditry. Ten (10) officials from five (5) youth organizations, two (2) officials from Fino Division and eight (8) from Central Division, were selected through random sampling to respond to questionnaires. The five (5) youth groups from the study location that are relevant to this study are Speak Youth Group, Mandera East Youth Association, SalaYouth Group, Garbaqoley Youth Group and Kabo Youth Group. The youth provided information on their participation in combating cattle rustling and banditry in Mandera East and the prospects of using the mosque institution to address the problem.
1.16.7 Somali Sages

This category consisted of sages who are distinguished for their integrity, wisdom and knowledge. A snowball approach was used to select six (6) sages from Fino Division and twenty four (24) sages from Central Division. These sages gave us information on the history and background of cattle rustling and banditry in Mandera East. They also provided information on the prospects of using traditional systems of banditry prevention along with the mosque institution to curb the practice.

In summary, a total of one hundred and twenty-eight (128) respondents were considered for the proposed study as highlighted in the following table.

Table 1.2 Categories of Respondents

<table>
<thead>
<tr>
<th>Category of Respondents</th>
<th>Fino Division</th>
<th>Central Division</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>I (a) Sheikhs</td>
<td>2</td>
<td>8</td>
<td>10</td>
</tr>
<tr>
<td>(b) Imams</td>
<td>2</td>
<td>8</td>
<td>10</td>
</tr>
<tr>
<td>(c) Mosque committees</td>
<td>6</td>
<td>24</td>
<td>30</td>
</tr>
<tr>
<td>II Madressa teachers</td>
<td>4</td>
<td>8</td>
<td>12</td>
</tr>
<tr>
<td>III Representatives of NGOs</td>
<td>4</td>
<td>4</td>
<td>8</td>
</tr>
<tr>
<td>III CBO officials</td>
<td>4</td>
<td>4</td>
<td>8</td>
</tr>
<tr>
<td>IV Government officials</td>
<td>5</td>
<td>5</td>
<td>10</td>
</tr>
<tr>
<td>V Youth groups</td>
<td>2</td>
<td>8</td>
<td>10</td>
</tr>
<tr>
<td>VI Sages</td>
<td>6</td>
<td>24</td>
<td>30</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>35</strong></td>
<td><strong>93</strong></td>
<td><strong>128</strong></td>
</tr>
</tbody>
</table>

Source: Field Survey (2009-2011)

1.17 Data Analysis Procedures

This study largely applied qualitative methods of data processing and analysis. The qualitative data from the open-ended questions were first summarized and thematized to facilitate analysis. The concrete responses were then analyzed using simple descriptive statistics offered by the Statistical Package for Social Science Research (SPSS) and presented using percentages, tables, frequency graphs and figures. The analyzed data were discussed and presented in accordance
with the objectives of the study. Then major findings and observations were drawn. Finally, suggestions and recommendations were given. The data were presented in the form of discussions, narratives and some concrete presentations using frequency tables, bar graphs and pie charts where applicable.

1.18 Ethical Considerations
The researcher made arrangements to obtain a research permit from the National Council for Science and Technology (NCST). The participants were informed of the purpose of the study and assured that the information they provided would be kept in confidence and would only be used for the purpose of the study as indicated in each instrument.
CHAPTER TWO

CAUSES AND IMPACT OF CATTLE RUSTLING AND BANDITRY IN MANDERA EAST

2.1 Introduction

This chapter discusses the main causes of cattle rustling and banditry in Mandera East. The discussion has focused on socio-cultural factors, that is, cultural milieu and inter-clan feuds. It also deals with agro-ecological and political factors, that is, competition for political influence, boundary disputes and political disenfranchisement of nomadic communities. The chapter further addresses socio-economic factors comprising of competition for scarce resources, poverty, economic constraints, commercialization of banditry and the influence of civil conflicts in the Horn of Africa. The latter include the influx of refugees and proliferation of small arms, border conflicts and interference from neighbouring countries and socio-political instability in the Horn of Africa region. The chapter discusses the prevalence of cattle rustling and banditry in different parts of the world with special focus on the Horn of Africa and finally how the practice manifests itself in Mandera East. The Mosque Institution harmonises all views of the key actors such as the GoK, NGOs, CBOs and FBOs as shown in the Conceptual Framework (Ref Fig 1.1). This solves the problem of duplicating activities among the key actors.

2.2 Prevalence of Cattle Rustling and Banditry in Mandera East

Hitherto, cattle raids were a common activity among pastoralists the world over as a way of increasing grazing lands, to restock lost herds following harsh climatic conditions and to obtain cattle for bride wealth, among other reasons (Hendrickson, et al., 1996:17). The Horn of Africa region has witnessed increased cases of cattle rustling and banditry fuelled by the proliferation of small arms in the border areas (Markakis, 1999:3); Mkutu, (2005: 75; 2007: 47-70). Countries that neighbour Kenya’s northern borders (Ethiopia, Somalia, and South Sudan) have frequently
been in the throes of civil wars, contributing to the escalation of local conflicts and banditry among pastoralists in the region (Luseno, Swallow & Kamara, 1998:27). Kenya has, therefore, experienced sporadic cattle rustling and banditry attacks between the Borana and the Gabra communities in Marsabit, the Pokot and the Turkana, the Agikuyu and the Pokot and the Samburu and the Kalenjin in the Rift Valley. Garissa, Wajir and Mandera counties have experienced increased cases of cattle rustling and banditry particularly involving the Garre and the Murule in Mandera (Umar, 1997: 18; Kratli & Swift, 1999:19). This section highlights the prevalence of the above challenge in Mandera East of Mandera County.

The study revealed that cattle rustling and banditry are a common phenomenon in Mandera East. Indeed, all the madrassa teachers and sages said that cattle rustling and banditry is prevalent in many parts of Mandera County. Most informants among the officials of the youth groups, representatives of CBOs and NGOs and religious leaders argued that cattle rustling and banditry are prevalent. This response is illustrated in the following Table 2.1 below.

Table 2.1 Informants Testimonies on the Prevalence of Cattle Rustling and Banditry in Mandera East

<table>
<thead>
<tr>
<th>Knowledge of Prevalence of Cattle Rustling</th>
<th>Madrassa Teachers</th>
<th>Youth Groups</th>
<th>GoK Officials</th>
<th>CBOs</th>
<th>Sages</th>
<th>Religious Leaders</th>
<th>NGOs</th>
</tr>
</thead>
<tbody>
<tr>
<td>f %</td>
<td>f %</td>
<td>f %</td>
<td>f %</td>
<td>f %</td>
<td>f %</td>
<td>f %</td>
<td>f %</td>
</tr>
<tr>
<td>Yes</td>
<td>12 100.0</td>
<td>9 90.0</td>
<td>7 70.0</td>
<td>6 75.0</td>
<td>30 100.0</td>
<td>49 98.0</td>
<td>8 80.0</td>
</tr>
<tr>
<td>No</td>
<td>1 10.0</td>
<td>3 30.0</td>
<td>1 12.5</td>
<td></td>
<td></td>
<td>1 2.0</td>
<td>2 20.0</td>
</tr>
<tr>
<td>No Response</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>12 100.0</td>
<td>10 100.0</td>
<td>10 100.0</td>
<td>8 100.0</td>
<td>30 100.0</td>
<td>50 100.0</td>
<td>10 100.0</td>
</tr>
</tbody>
</table>

Source: Field Research (27-7-2009)

The above findings on the prevalence of cattle and banditry are presented in the following bar graph (Fig. 2.1) below.
Table 2.1 and Fig 2.1 above indicate the prevalence of Cattle Rustling and Banditry in Mandera East. This is confirmed by all the respondents despite in varied percentages. However, Madrassa Teachers and Sages are 100% unanimous.

Most GoK officials were unanimous that stock theft also commonly referred to as cattle rustling and banditry is amongst the most predominant crimes in Mandera East. They further observed that banditry is sporadic along Mandera-Lafey Highway and large scale and systematic raids occur seasonally during clan conflicts in the rural areas.

However, some GoK officials divergently indicated that cattle rustling and banditry is on the decline citing the fact that there had been no major incidents of cattle rustling and banditry in their area of operation for the last three years (Allale Abdullahi (OI. 24-7-2009); and Maalim Hussein (OI. 22-7-2010). Exception is given on recurrent theft across the Somalia and Ethiopia.
borders. Further Kratri and Swift, (1999: 19) intimated that firearms were not involved in these incidents. It appears that some respondents who were GoK officials were deliberately trying to cover up the reality on the ground; their observations seemed to contradict the common views given by most respondents in other categories such as NGOs CBOs and FBOs.

Feuding clans expose their cattle and property to banditry and cattle rustling. This is because conflicting clans acquire small arms to protect their livestock and property even though the acquisition and stocking of arms is the responsibility of the government. The acquisition of small arms contributes to the prevalence of cattle rustling and banditry. The aforementioned NGOs together with religious leaders jointly facilitate drought mitigation, welfare and relief distribution, community sensitization seminars and workshops, besides conflict mediation which have a bearing on cattle rustling and banditry in Mandera East.

Khalif Mohmud (OI. 14-7-2009) revealed that cattle rustling and banditry were more common with inhabitants residing in the rural areas where people keep large numbers of livestock. On the other hand, Jelle Dahir (OI. 28-8-2010) and Salah Dakane (OI. 30-7-2009) observed that the vice was common in the district, especially in the rural areas and along the international borders.

Some respondents such as Hussein Hassan (OI. 13-7-2009); Mohamud Mohamed (OI. 15-7-2009); Allale Abdullahi (OI. 24-7-2009); and Maalim Hussein (OI. 22-7-2010) among other religious leaders observed that the youthful members engaged in cattle rustling and banditry from time to time. Youthful members further kidnap people, hijack vehicles and rape women.
Indeed, according to the Garissa Declaration Report (2005:2) cattle rustling and illegal possession of firearms were identified as unresolved crimes in Mandera East.

From the above, it is evident that cattle rustling and banditry occur in Mandera East. Illegal firearms often come in handy during cattle raids. This situation led to the intervention by religious leaders at the local and national level. Religious leaders sought audience with members of Garre and Murule on 18th March 2005 starting with prominent personalities such as area MPs, elders from neutral clans such as Corner tribes, organizations such as PACT Kenya, WFPD, Youth for Peace, ALRMP and SUPKEM. The purpose of the meeting was to resolve the inter-clan conflict between the Garre and Murule clans which has been raging in Mandera. The successful mediation culminated in the Umal Peace Accord (RoK, 2005a: 4).

2.3 Socio-Cultural Factors Underlying Cattle Rustling in Mandera East

There are a number of socio-cultural factors that influence cattle rustling and banditry in Mandera East. Such factors present strong forces within societies that affect the thoughts, feelings and behaviors of individuals. The factors relate to both social and cultural values and include: cross cultural differences, ethnic identity, ethnic ties, family/kinship structure, religious conservatism and gender roles. Research findings indicate that the socio-cultural factors that cause cattle rustling and banditry include cultural milieu and inter-communal feuds. The Garre and Murule conflict is often characterized by cattle rustling and banditry and the use of illegal firearms. In 2008, the chief of Laffey Location which is dominated by the Murrule lamented over the presence of militia groups amidst both the Garre and Murule communities during the inter-district peace meeting held in Mandera East (Practical Action Mandera Report, 2008:1). The
presence of militia groups creates a fragile insecurity situation characterized by cattle rustling and banditry.

2.3.1 Cultural Milieu

Gender norms are deeply rooted in the socio-cultural context of each society and enforced by that society’s customs and practices. Socio-cultural norms build notions of masculinity and femininity which in turn create unequal power relations between men and women. Culturally-defined gender values and norms evolve through a process of socialization starting from an early stage of infancy (International Council of AIDS Service Organizations (ICASO), 2007:4). They determine and reinforce themselves through traditional institutions and practices. These cultural practices, values, norms, and traditions have strong influences on the visible aspects of individual behaviours. For instance, the pastoralist cultural setup encourages males to partake in high-risk occupations such as cattle raiding to restock, expand and acquire new herds partly because of deep-rooted role definition according to gender (Belshaw, 1999: 6). Women as mothers, wives (or girlfriends), aunts, sisters and grandmothers taunt and incite the men to participate in cattle rustling and banditry (Ibrahim and Jenner, 1996:25) Jelle Dahir (OI. 28-8-2010) and Salah Dakane (OI. 30-7-2009). In this regard, the study revealed that cattle rustling and banditry is regarded as a traditional practice in Mandera East.

Religious beliefs are important foundations of community heritage in majority of societies. Religion prescribes ethical guidelines for many aspects of people’s life and also influences belief systems and practices surrounding human relations (Brodd, 2003: 46). Mandera East is predominantly inhabited by a Muslim population (RoK, 2002-2008:7). Ignorance of prohibitive
Islamic tenets and doctrines has constrained the prospects of Muslims participating in clan animosities and conflicts bearing on resource utilization and tenure practices that contribute to cattle rustling and banditry.

However, the study found out that the other cause of cattle rustling and banditry in Mandera East is that some Muslims have drifted away from Islamic values and practices (Mursal Abdirahman, OI.15-7-2009; Abdikadir Abdulla, OI. 14-8-2009). This drift in faith and practice gives room for the inhabitants of the district to ignore the ethical requirements of the Islamic faith thereby infringe on other people’s property (Mukhtar Billow, OI. 25-8-2009).

Abdillahi Ahme (OI. 15-8-2009) observed that cattle rustling and banditry are due to poor neighbourliness and bad cultural practices that require the payment of high dowry. According to Jelle Dahir (OI. 29-7-2009) and Salah Dekane (OI. 30-7-2009) among the Somali community in Mandera East livestock ownership was, and still is a determinant of wealth, and high social standing in the community. Livestock ownership is also a prerequisite for a young man to pay the bride wealth and also to convince the bride’s family that he is worthy of their daughter. Yet bride price remains extremely high (some families even demand as many as 12 camels which is equivalent to 24 heads of cattle) thereby encouraging the frequency and intensity of cattle raids to meet the requirements of the dowry.

Among the Somalis, cattle rustling and banditry are associated with the search for prestige or pride (Brik Adan, OI. 13-7-2009: OI). According to Adan and Pkalya (2005: XII) cattle raiding is very pronounced in Marsabit, Samburu, West Pokot, Turkana, Marakwet, Trans Nzoia and
Moroto counties. In total, it is estimated that 459,905 livestock valued at over 5 billion Kenya Shillings were stolen in these counties between 1994-2004 (Adan & Pkalya, 2005: XII). While this practice has some precedence in the cultural histories of most pastoral communities, it has degenerated into a vicious criminal enterprise that has broken free of all checks offered by the respective cultures (Adan & Pkalya, 2005: XI). Opiyo (2010:123) observes that cattle raiding among the Pokot is an important way to show and to achieve prestige, and for stockless men (men without cattle) to earn bride price and enter an independent pastoral existence.

Similarly, some residents of Mandera East consider cattle rustling as traditional and customary and it is therefore an important identity issue which informs the community reproduction process. This was found to be very common according to most informants in the category of sages. This is because cattle rustling enable young Somalis to acquire cattle, which they pay as bride wealth Abdillahi Ahmed,( OI.15-8-2009); Jelle Dakane, (OI. 29-7-2009). According to Salah Dakane (OI. 30-7-2009), it is quite difficult for young men who do not have enough cattle to pay as bride wealth to get married. Those who have excess cattle go further and become polygamous, therefore reproduce offspring more than the poor ones without cattle Maalim Hussein, (OI. 22-7-2010); Zakaria Haji, OI.17-4-2011).

The proliferation of the modern and sophisticated automatic weapons has, quietly and negatively exacerbated the consequences of cattle rustling (Opiyo, 2010: 123). We could observe that even though cattle rustling could be associated with tradition, the practice has evolved differently in the recent past. Cattle rustling is today associated with killings and politics. In Mandera East, cattle rustling has transformed from being a customary means of livestock restocking where
traditional weapons such as bows, arrows and spears were used, to a commercial practice where sophisticated weaponry is used. While the traditional practice of cattle raiding was done seasonally as a rite of passage into adulthood, cattle raids have nowadays acquired belligerent and criminal tendencies. Raiders have since disregarded the seasonal aspect of cattle theft. Increasingly, communities are carrying out cattle raids and retaliation missions partly to sustain themselves during hardship periods but also for personal gain and pillage.

2.3.2 Inter-Clan Feuds
The Swynerton Plan of 1954 introduced the concept of title deeds in Kenya encouraging land titling and registration, de-stocking of pastoralists, and grazing controls Witsenburg & Roba, (2004:693). However, land tenure in Mandera East is complicated by the fact that traditional models of governance and communal land ownership persist though contradicting the statute law Amina Hassan (OI. 9-8-2009). This was strongly stressed by most informants. The situation is worse in pastoralist areas where poorly defined tenure rights have instigated clashes over access and ownership of grazing areas. Conflict in the district revolves mainly on land tenure claims for grazing and crop farming Abdikarim Mohamud, (OI. 13-8-2010). In the absence of clear national land policies governing communally owned grazing land, cattle rustling or raiding, has become a major cause of conflict among the pastoral communities in Mandera East Yusuf Abdalla, (OI. 20-7-2009). Changes in land use at the interface areas have been accompanied by increasing resource and human conflicts and insecurity. For instance, mention can be made of the 2005 Garre and Murule conflict over resources.
Mandera East is predominantly inhabited by the Murule, Garre, Degodia and sub-ethnic groups of the larger Somali community (WFPD, 2003). The district has witnessed increased inter-clan hostilities involving the Garre and Murule thereby fueling cattle rustling and banditry incidents (Weiss, 2004:2; ALRMP, 2005:8). One elder put it simply, “Cattle rustling and banditry are influenced by long-standing hostilities between the two largest clans in the larger Mandera County – the Garre and Murule. The two communities have had a long history of periodic protracted struggles over grazing land dating back to the 1920s” Ibrahim Noor, (OI. 12-7-2009). While the Garre feel justified raiding the Murule for encroaching on their pre-colonial grazing areas, the Murule make the same accusations against the former Practical Action Mandera Office, (2008:1). In this regard it is noted that raids and counter raids involving the Garre and Murule result from divide and rule colonial policies.

Some informants such as Adan Disow (OI.15-8-2009); Abdi Mohamed (OI. 5-2.2011) and Abdi Didow (OI. 7-2-2011) reveal that cattle raiding and banditry are common during clan conflicts. Ahmed (2004:15) also observes that cattle rustling and banditry normally occur simultaneously with clan fighting. Indeed, the most visible impact of clan conflict is better illustrated by the rampant cattle thefts/rustling/raiding.

The glorification of violence and animal theft in the socio-cultural set up of any community only serves to fan similar sentiments in another as the latter tries to motivate its fighting forces. According to Umar (1997: 18) participants in large scale stock theft exploit their ethnic groups solidarity to attack neighbouring ethnic groups. This is because to a large extent, the group in the form of the clan and or ethnic group not the individual is still the basis for social control in most
pastoral societies. Clans make alliances such that even minor disputes have the potential of escalating to involve all members of rival alliances.

The research established that inter-communal feuds are responsible for some recurrent cattle rustling in Mandera East. Members from among the Murule, Garre, Degodia and other sub-ethnic groups of the larger Somali community take advantage of clan hostilities to raid and steal livestock Gedi Mohamud, (OI. 12-7-2010; Sheikh Mohamud, (OI. 13-8-2010); Maalim Mukhtar, (OI. 20-7-2010). In view of this, several peace communities have been formed with the involvement of religious, youth groups, NGOs/CBOs, elders and the government.

From the above observation, it is evident that socio-cultural factors such as cultural milieu and inter-communal feuds contribute to the occurrence of cattle rustling and banditry in Mandera East. It is further noted that some people among the Somali perceive cattle rustling and banditry as a traditional practice that should be tolerated, disregarding its immoral and criminal implications.

2.4 Agro-Ecological Factors
Pastoralism is the most economically viable production system for the drylands of Kenya, and the most environmentally sustainable management system in Arid and Semi-Arid regions (Republic of Kenya, 2002:4). The Kenyan drylands are ecologically fragile and often experience cyclic drought that cause loss of livelihood and livestock, displacement and loss of livelihood. According to Umar (1994:32) rangeland conditions that characterize pastoral areas limit pastoralists to be dependent on their livestock. Oba (1992:146) observes that pastoralists have to contend with environmental vagaries and conflicts over the exploitation of limited resources. For
Kratli & Swift (1999: 9), conflict is closely linked to drought and famine. They observe that drought can trigger conflict for resources.

Mandera East is semi-arid; it is normally hot and dry throughout the year except for some erratic, scarce, and unpredictable bimodal rains, which fall in the months of March, April and October through December (Weiss, 2004:1). Scarce rains coupled with frequent droughts and harsh temperatures have forced eighty per cent of the population to derive their income from livestock production; herding camels, cattle, sheep and goats (Umar, 1994: 21; Buchanan-Smith & Lind, 2005:4). Billow Abdinoor (O1. 23-7-2009) and Mahad Omar (O1. 25-3-2011) observe that cattle rustling and banditry are rampant especially after drought or famine with those affected resorting to the vice to compensate for what nature has denied them. Similarly, Adan Dariga, (O1. 7-8-2009) and Amina Hassan (O1. 10-4-2011) attributed cattle rustling and banditry to prolonged drought that tend to kill livestock in the area and thus compelling the herders to resort to cattle rustling as the only alternative way of livelihood in the remote areas. Cattle rustling and banditry in Mandera East have over the years been aggravated by climatic changes occasioned by more frequent and regular droughts and reduced access to water. Periodic droughts, such as the severe ones experienced in 1969-1973, 1980, 1984 and 1998-2002 have decimated thousands of livestock. Herders, driven out of their rangelands by droughts, have more often than not raided neighbours and others. This is explicitly captured in the following excerpt:

Continuous drought in the district adversely affects crop production and livestock rearing hence the district usually experiences famine. Crop production under small-scale irrigation along seasonal river Daua and in few rain-fed areas is not enough to meet the district’s food requirements. As a result, the district always experience food deficits resulting in increased cases of cattle raids (RoK, 1997:7).
The above citation indicates that Mandera East experiences drought frequently. Hassan Dakane (Ol. 14-7-2009) and Maalim Mohamed (Ol. 17-8-2010) observe that cattle rustling and banditry in the district are partly due to prolonged droughts that sometimes cause the death of livestock in the area. This compels the herders to resort to cattle rustling as an alternative way of livelihood in the remote areas. According to RoK (2008:236), during the severe drought of 1991-2 livestock holdings were drastically reduced so that many families became destitutes and were forced to migrate to Central Mandera. Between 1994 and 1996, there were three successive rain failures in the district. Since then there have been a series of severe famines every year from 1997 to 2008. The most notable drought occurred in the year 2005. The plate below shows a pastoralist showing the researcher carcasses of his dead cattle following a drought in 2010/2011.

The above plate shows the impact of prolonged drought which is a common feature in Mandera East. The severity of environmental vagaries is best captured in the following remarks by one elder during the peace meeting held in Mandera East:

The biggest problem in Mandera West right now is serious water stress. All the dams have dried up. The situation is particularly worse in Dandu, Gither, Kiliwe Hiri and Burduras. All the livestock from Mandera West were in Shimbir Fatuma, Elwak and Wargadud. There is no milk in the area and people take black tea. Some animals particularly cattle, sheep and goats have started dying. Camels are also emaciated. The district is also very thirsty in terms of human drinking water... (Practical Action Group Mandera Report, 2008:4).

The foregoing findings indicate that environmental vagaries such as drought, famine and scarcity of water, tend to exacerbate cattle rustling and banditry. Indeed, from the preceding discussion it is evident that agro-ecological factors such as drought and famine contribute to the occurrence of cattle rustling and banditry in Mandera East necessitating measures to address the problem.

2.5 Political Factors that Foster Cattle Rustling in Mandera East

Political factors refer to how and to what degree a government influences citizenry behaviour through legislation and cohesive machinery of the state such as the provincial administration and various government departments. (Shils, 1991:3). This may also include goods and services which the government provides such as security services and protection and enforcement of property rights. This study reveals that a number of political factors influence cattle rustling and banditry. These include incitement by politicians of different groups for political influence, boundary disputes and political disenfranchisement, among others. Such factors are diverse as discussed in the following sub-sections.
2.5.1 **Competition for Political Influence**

Politicians often exploit local tensions in pursuit of parochial political and economic ambitions and gains (Kratli & Swift, 1999: 11). Chief Gadudow (OI. 13-7-2009) intimates that political incitement is behind the prevalence of some incidences of cattle rustling and banditry in Mandera East. The ensuing inter-clan political rivalry leads to revenge and counter revenge thereby culminating in cattle rustling and banditry with the involvement of neighbouring clans. It was noted that cattle rustling and banditry are a periodic phenomenon especially during elections as different politicians jostle for power. Maalim Adan (OI. 15-8-2010) observes that politicians incite passions contributing to the prevalence of cattle rustling and banditry in their quest for power.

Aftin Brik (OI. 12-7-2009) and Sharif Abdallahi (OI. 19-8-2010) observe that cattle rustling and banditry recur every election year. Politicians manipulate the frequent animosity among the clans with the aim of gaining political supremacy thereby contributing to cattle rustling and banditry. This is because when one community loses animals they raid the other community. One respondent remarked:

> Politicians manipulate the frequent animosity among the clans with the aim of gaining political supremacy thereby contributing to cattle rustling and banditry. This is because when one community loses animals they raid the other community. Inter-clan fighting drawn from competing political groups and organized along clan lines has resulted in numerous deaths and massive destruction of property. The situation is worsened by the fact that not enough security personnel are normally deployed to deal with the menace (Noor Adan, OI. 28-7-2009).

It is evident from the above that politicians with varying interests create volatile ground for the occurrence of cattle rustling and banditry in Mandera East. Aspirants to political office harp on the differences among various clans to woo a support base, often deliberately or unwittingly inciting communities against each other resulting in cases of cattle rustling and banditry.
2.5.2 Boundary Disputes

According to Kratli and Swift (1999: 11) it is much more difficult to manage conflicts between ethnic groups and those which spill across more than one administrative and or political boundary. In this regard, Mandera East has seven administrative divisions. The demarcation of parliamentary constituencies in the larger Mandera County divided pastoral communities along clan lines creating tension and conflicts among people who might have shared grazing land. Cattle rustling and banditry are blamed for conflict over unclear administrative boundaries as politicians, administrators and influential individuals exploit their ethnic backgrounds for personal gain. This partly explains the recurrent conflicts between the Garre and the Murule in Mandera East. For instance, Practical Action Mandera Report (March 2008: 9) made the following plenary observations during the larger Mandera interdistrict meeting regarding boundary dispute:

The delegates blamed the current boundary dispute on events of mid 1990s when the then very powerful Mandera County Council Chairman from the Murule community and the then powerful Kenya African National Union Chairman from the Garre community decided to curve out administrative locations of Laffey East, Wargadud East and Bulla Afya (Elwak). These locations were said to have been very political because both the affected clans of Garre and Murule were not consulted. The then government administrators (including the provincial commissioner) also collaborated in the scheme without much consideration to the dynamics involved. A Garre chief was then posted to Laffey East (largely Murule inhabitants) and Murule chiefs were posted to Wargadud East and Bulla Afya (overwhelming Garre inhabitants).

From the above, it is noted that the existence of communal boundaries and the accompanying notions of entitlement contribute to fear, suspicion and hatred among neighbouring communities. Mohamed Mohamud (OI.13-8-2009); Mohammud Khalif (OI. 13-8-2010) and Brik Aftin (OI. 10-12-2010) note that there is a direct correlation between cattle rustling and banditry in Mandera East and the manner in which administrative and parliamentary boundaries have been demarcated. They observed that the practice is rampant as a result political incitement because political and administrative boundaries were viewed to be clan-bassed. This situation is exacerbated by corruption and apparent lack of affirmative commitment by some of the government security agencies to deal with the cattle rustling and banditry menace.
Boundaries disputes are emotive throughout the country. However, it is apparent that in Mandera East, boundary disputes are largely to blame for the frequent occurrence of cattle rustling and banditry. The creation of many administrative units (locations and sub locations) in Mandera, East has ignited border conflicts between clans and families. The borders are taken to define each community’s grazing areas. This in turn leads to cattle raids and counter raids.

2.5.3 Political Disenfranchisement of Nomadic Communities

There is a common argument among the scholars that national government policies based on containment, pacification and sedenterization of pastoralists destabilize pastoralist livelihoods (Practical Action, 2005:4). In this regard, Mkutu (2007:47-70) observes that most pastoralist communities are poorly represented in political and executive public offices in Kenya and other countries in the Horn of Africa. Consequently, their interests and concerns are unduly neglected in socio-economic development and other political programmes. As such, there has been a tendency by governments to envisage the gradual eradication of pastoralism. Cattle rustling and banditry is driven by the need to survive, and hopefully attract the attention of policy makers. It is hoped that now that Kenya has a Ministry of Arid and Semi-Arid lands Development the trend of socio-economic development will improve. The challenges may however be limitation of budgetary allocation to support rapid infrastructural development like drilling boreholes, extension of road, railway and road network in sparsely populated areas like Mandera East.

The inhabitants of Garissa, Wajir and Mandera counties decry what they call historical disenfranchisement by GoK (Markakis, 1999:3; Ibrahim and Jenner, 1996:25). The Kenya government has adopted service deliverly policies that are not fully accommodative to the
pastoralist way of life, perceiving it as a retrogressive existence. The provision of education and health services have been fixed in space, in the hope they will act as settlement nucleus for these communities. This was oblivious to the fact that without constant movement of livestock and households, pastoralist communities cannot derive a livelihood from the harsh terrain. The arbitral and political creation of administrative units such as locations and divisions in hitherto community-grazing areas mainly for political mileage are cited as the main cause of cattle rustling and banditry in Mandera East (ALRMP, 2005:8). The residents have in turn developed a strong aversion towards the government, its officers and institutions Kamenju et al, (2003: 23).

The study further revealed that incitement by politicians of different groups for political influence and boundary disputes, among others are also some of the political factors that contribute to cattle rustling and banditry in Mandera East. In this regard, for any intervention to succeed it must address the political factors that contribute to cattle rustling and banditry.

The militarization of cattle-related conflicts which has been blamed on selective arming of "politically correct" Garre and Murule communities by the respective governments is also a critical problem in Mandera East Adan & Pkalya, (2005: 23). Some respondents noted that selective arming dates back to colonial times when the British colonialists compartmentalized communities into administrative structures inconsistent with the balances and values of previous times. In response to the alteration of inter communal balances, communities started arming themselves to defend their land and other interests Adan & Pkalya, (2005: 24).

According to most respondents, there is inadequate policing and state security arrangements deployed to deal with the cattle rustling and banditry menace Adullahi sheikh, (OI. 11-4-2010);
Maalim Dakane, (01. 23-4-2010). In the light of this they blame the government for the prevailing insecurity. Respondents persistently observed that the government allocated inadequate resources for both civil and security services, rendering the civil administration and the police incapable of effectively managing ever-increasing cases of cattle rustling and banditry in Mandera East. Alasow Mohamed, (01. 23-7-2009); Dakane Abdinoor, (01. 13-7-2009); Abdille Billow, (01. 23-8-2009); Mahad Omar, (01. 17-7-2009); Sheikh Hassan, (01. 15-4-2010). In turn, local communities in the face of the weak state capacity to exercise authority take the law into their own hands; clans and families arm themselves for self-defence. The clan-based militias for self-defence often exploit the solidarity of their ethnic groups to participate in cattle rustling and banditry against “enemy” clans. The Murule and Garre clans also accuse each other of sheltering and supporting Somali-based and Ethiopia-based militia respectively. Kassim; (01. 16-7-2009; Adan, 01. 7-8-2009). Cattle rustling and banditry have become intensified in Mandera East after it started being sponsored by unscrupulous businesspersons largely through political influence. Political patronage is apparently used to organize and sustain clan militias that raid other clans to acquire livestock that is in turn sold on local and external markets. The risk of being attacked by bandits and raiders while taking cattle to local markets and into major urban centres is also high. Even then, according to Mahad Omar (01. 17-7-2009), a good percentage of stolen livestock makes its way to the market. This is a clear indication of the weaknesses in the state security systems in Mandera East.

2.6 Socio-Economic Factors that Enhance Cattle Rustling
The study found out that indeed socio-economic factors influence cattle rustling and banditry in Mandera East. Socio-economic factors include struggle over limited resources such as land, pasture, water, cattle and business opportunities; increasing levels of poverty and
commercialization of cattle rustling and banditry. Each of these factors is discussed in the following sub-sections.

2.6.1 Competition for Scarce Resources

The resource potential of Mandera East includes land, water, forestry, minerals, tourist attractions and business opportunities, among others (RoK, 2002-2008: 19). As such, cattle rustling and banditry in Mandera East were also found to be caused by the struggle over limited grazing resources such as land, pasture, water and business opportunities. Information obtained from different categories of informants indicated that cattle rustling and banditry is rampant, especially after drought or famine with those affected arguing that they resorted to the vice to compensate for what nature had denied them Jelle Dakane, (01. 21-7-2009); Salah Dakne (01. 30-7-2009); Mukhar Ali, (01. 14-7-2009)..

The predominant land use in Mandera East is livestock keeping. This is because most of the land in the district is characterized by low-lying rocky hills located on the plains covered with bushes and shrubs that can only support growth of pastures (RoK, 2002:4). In view of this, some informants such as Afftin Brik (OI. 12-7-2009) observed that cattle rustling and banditry occur due to scarcity of pasture and water. He strongly stressed that competition over access and control of diminishing resources in Mandera East was the main cause of cattle rustling and banditry. This appears to confirm the argument of scholars such as Adan & Pkalya (2005: 30), who observed that in pastoral districts of Kenya including Moyale, Marsabit, Mandera and Wajir, communities often tried to settle their differences over control and access to livelihood resource through cattle rustling and banditry activities. Consequently, the affected families are displaced
and therefore forced to rely on relief food. The strong presence of NGOs such as Islamic Relief is a pointer to this dependence. There are some permanent centres set by Muslim organizations to serve as relief distribution centres for the perpetually displaced people. Incidentally, relief supplies are given almost every year. Some of these centers include the Islamic Relief – Kenya programme center at Mandera town. The plate below shows the signboard of the Islamic Relief – Kenya programme center in Mandera town.

Plate 2: The Islamic Relief Kenya Programme Office in Mandera East – 17/8/2010

The above centre (plate 2) was established in the early 1990s. It serves residents from Mandera East. The study established that Mandera East heavily relies on relief supplies. Subsequently, a number of civil society organizations (CSOs) and NGOs such as Islamic Relief, AMA, IPAG-K, Care International Kenya and COCOP among others provide this kind of relief.
Hassan Dakane, (Ol. 14-7-2009) observed that water was scarce in Mandera East. People are forced to walk long distances in search of water for both human and livestock consumption. He also noted that most people in the district depended on borehole water except where there were dams. The problem with borehole water is salinity that makes it unsuitable for human consumption. According to RoK (2002:6), Mandera East is not well endowed with surface or sub-surface water except for Daua River which normally dries up during dry season. The situation of scarcity of water is further emphasized by the Practical Action Mandera (2008: 5) report that:

... the only outstanding issue in the greater Mandera was the issue of pasture and water and the entire Mandera East was peaceful and had no problem at all except the water issues at its borders with Mandera Central.

Pastoralists conflict over scarce water resources in Mandera East culminating in opportunistic livestock raids and counter raids. Stolen livestock are ferried across the border Alasow Mohamed, (Ol. 23-7-2009); Dakane Hassan, (Ol. 13-7-2009). The arid condition of the district has led to insufficient water supplies to sustain livestock, human needs and agricultural activities. Insufficient resources to meet the economic and subsistence needs of the communities in the district are a major cause of opportunistic cattle rustling and banditry. Unscrupulous businesspersons finance mercenary raiding troops, whose sole mission is to steal livestock for the market. The availability of such gangs for hire is, however, in itself a pointer to the lack of meaningful economic activities.

The above discussion indicates that competition over scarce resources particularly land and water in Mandera East contributes to the escalation of cattle rustling and banditry. This is because
cattle rustling and banditry are attributed to conflict over watering points and grazing land and the lack of alternative viable economic activities.

2.6.2 Poverty and Economic Constraints

Poverty is a condition where one fails to attain a certain minimum level of well-being determined by the respective community. A poor household "jirgri" according to the Somali community is a household with less than 75 goats and 30 cows or camels, is unable to meet the basic needs or incapable of producing 20 bags of maize annually (RoK, 2002: 19). This observation was given by almost all categories of informants during the study.

The study revealed that indeed, Mandera East is characterized by economic deprivation. Further, according to Billow Adan (OI. 17-7-2009); and Abdikadir Sheikh (OI. 16-7-2009) cattle rustling is perpetuated by the unemployed youth who engaged in it to raise a living and or to obtain cattle for bride wealth. . As growing populations continue to subsist on finite and deteriorating natural resources, competition heightens to a level where cattle rustling and banditry become common. Abdikadir Sheikh (OI. 16-7-2009) intimated that cattle rustling and banditry were activities that were commonly carried out by pastoralists who mainly depended on livestock as the primary means of livelihood. Afftin Brik (OI. 12-7-2009) attributed stock theft and banditry to massive unemployment and economic deprivation that is characteristic of the district.

It emerged that most inhabitants in the district kept on moving with their herds in search of pasture and water Practical Action Mandera Office, (2008:1); Dakane Hassan (OI. 13-7-2009). Due to these movements, people could not settle down to do other activities such as farming,
livestock keeping and honey production which are more reliable modes of economic growth. There was also widespread poverty in Mandera East due to poor natural resource endowment and limited employment opportunities outside the livestock sector. The dire poverty situation in the district provided fertile ground for cattle rustling and banditry activities. Jelle Dakane, (O1. 21-7-2009), Mukhar Ali, (O1. 14-7-2009). Large scale cattle raids further rendered pastoralists impoverished and destitute.

2.6.3 Commercialization of Banditry
This is banditry cattle rustling for commercial purposes which uses modern weapons such as small arms as opposed to the traditional cattle rustling which used crude weapons such as spears, bows and arrows and which was to replenish lost herds as a result of drought, for bride price among others.

Krati and Swift (1999: 4) observed that commercial raiding started with the integration of pastoralists within the market economy. The integration in the wider market economy that begun in the early 1980s was achieved through three major avenues particularly labour market (hired rustlers), weapons market, small arms and light weapons, and livestock market, sale of raided livestock, with Kenya’s adoption of the neo-liberal perspective McCabe, (1990:81); Hendrickson et al. (1996:17).

Habiba (O1. 8-8-2009) points out how the “commercialization of banditry” had boosted the proliferation of modern automatic weapons. Sale of raided livestock and the use of hired rustlers had become the trend in Mandera East. Cases of well-organized raiding missions to gather spoils
for the market were reported in Central and Fino Divisions. It was alleged that wealthy unscrupulous individuals were actively involved in organizing cattle raids, the proceeds of which they sold at various livestock markets. Commercialization of cattle rustling and banditry enables people particularly livestock traders and businessmen who were not herders to profit from livestock. Some herders also raided their neighbours to rustle animals for sale. Commercial raiding interfered with property, exchange relations and social boundaries because of the mistrust and suspicions generated.

The study found out that some government officers and agents were often accomplices in commercialized livestock rustling and banditry because of the high returns involved. Weiss (2004:2). Some of them are in Provincial Administration under District Commissioners (DCs), Members of Parliament (MPs), Local Authority and NGOs. Those involved appear to pursue their different individual agenda, contradicting government policy and state laws (Ibrahim & Jenner, 1996:9). Kratli and Swift (1999) note:

Chief and DCs may sometimes be involved in raids as facilitators or promoters, and take a share in the division of the booty. During the 1992-94 clashes in Wajir, chiefs had a major role in funding and directing the conflict (Cited from Ibrahim & Jenner, 1996: 9).

The involvement of government officials in illegal and criminal practice is a big challenge as many innocent people are robbed, maimed or killed and they constantly live in fear Abdikadir Ismail, (OI. 16-7-2009). Banditry activities along the roads lead to fear as people cannot move about freely. It emerged that cattle rustling and banditry had contributed to stagnated development, mistrust, loss of millions through banditry and stock theft and use of huge sums of money to curb the practice and border clashes in Mandera East Abdille Billow, (OI. 23-8-2009).
The foregoing discussion has highlighted how a number of socio-economic factors influence cattle rustling and banditry in Mandera East. The socio-economic factors tackled include struggles over limited natural resources such as land, pasture, water, cattle and business opportunities, increasing levels of poverty and the commercialization of banditry.

2.7 Influence of Civil Conflicts in the Horn of Africa
The study noted some critical external factors related to regional and international influences fueling cattle rustling and banditry particularly the proliferation of illegal firearms, influx of international refugees, border conflicts, interference from neighbouring countries, civil war and political instability in the Horn of Africa region, among others. Kratli and Swift (1999: 47) observed that political instability in neighbouring countries could increase the availability of small arms and light weapons. This could change the balance of power across borders or between different groups within Kenya and usually translated into an escalation of cattle rustling and banditry. These external factors are discussed below.

2.7.1 Influx of Refugees and Proliferation of Small Arms
Political disorders in the Horn of Africa had created thousands of refugees and displaced people, whose massive movements affected relationships among groups Kratli & Swift, (1999: 47). Abdullah Abdikadir (OI. 14-8-2009); Seyyid Ahmed (OI. 21-7-2009); and Hussein Adan (OI. 16-7-2009) attributed the prevalence of cattle rustling to the influx of refugees from mainly war-torn countries such as Somalia and Ethiopia for the last five decades.

Jelle Dakane (OI. 29-7-2009) and Abdinoor Abdullahi (OI.21-9-2009) on the other hand attributed the prevalence of cattle rustling and banditry to the fact that Mandera is a border town
neighbouring Somalia, a country that has lacked a central government for the past 20 years. Lawlessness and lack of government in Somalia has increased the flow of refugees with illegal arms into the town across. Militias struggling for power in Somalia also attempted to induce unemployed Kenyan youths to join their ranks or to smuggle arms across the border. Abdullah Abdikadir (OI. 14-8-2009);. There were seasonal in-and-out migrations of pastoralists to and from Somalia and Ethiopia in search of pasture and water. These interactions contributed to the proliferation of small arms that reinforced cattle rustling and banditry.

Increased cases of cattle rustling and banditry arose due to easy access to illegal small arms and light weapons Goldsmith, (1997: 11); Belshaw, (1999: 19); Mkutu, (2007:47). This is because the area has many unemployed youth who started using the cheaply acquired firearms. The Small Arms Survey Report (2008: 26) revealed that Kenya had a considerable stockpile of weapons ranging from 500,000 to 1,000,000. The report also indicated that Kenya had some domestic capacity to produce small arms and ammunitions. According to the report, 40 per cent of ammunition on the illicit market in Garissa, Wajir and Mandera counties had leaked from Kenyan armed forces. These were being used to sustain the vice.

According to Ahmed (OI. 24-8-2009), the increasing cases of cattle rustling and banditry could be attributed to the easy access to illegal firearms. The same views were supported by Waqo (2003:3) and Garissa Declaration (2005). Indeed, illegal arms were routinely used for inter-clan conflicts, abduction, carjacking, robbery with violence and banditry (Abdalla, OI. 20-7-2009).
Oral responses indicated that illegal arms were easily and cheaply acquired from the neighbouring countries Adan Birik, (OI. 3-8-2009); Gedi Mohamud, (OI. 2-8-2009); Abdille
Billow, (OI. 23-8-2009). There is a tendency for arms to be smuggled into Kenya through illegal border points Birk Adan, (OI. 27-7-2009). The border communities such as Garre, Murule, Digodia and Corner Tribes that inhabit Mandera East easily obtained small arms and light weapons from conflicting communities along border areas Schlee, (1989:4); Goldsmith, (1997: 11); Weiss, (2004:2); ALRMP, (2005:8). While the government was aware of this, corruption prevented concrete action. Perhaps government officers were easily compromised. The free flow of firearms was compounded by the prevalence of frequent interclan fighting at the border towns that was often followed by cattle raids Khalif Mohamud, (OI. 17-8-2009).

Field survey findings confirm that the proliferation of small arms and light weapons contributed to cattle rustling and banditry in Mandera East. According to the field research findings, majority of the madrassa teachers, representatives of CBOs and NGOs as well as GoK officials were unanimous that the proliferation of small arms was a problem. This is indicated in the survey findings summarized in Table 2.2 and Figure 2.2 below.

Table 2-1: Report on Proliferation of Small Arms in Mandera East

<table>
<thead>
<tr>
<th>Response</th>
<th>Madrassa Teachers</th>
<th>GoK Officials</th>
<th>CBOs</th>
<th>NGOs</th>
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<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
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<td>100.0</td>
<td>10</td>
<td>100.0</td>
</tr>
</tbody>
</table>

Source: Field Research (27-7-2009)

The above information is presented in the bar chart Fig. 2.2 below.
Figure 2.2: Report on the Proliferation of Small Arms in Mandera East

Table 2.2 and Figure 2.2 above indicate that the proliferation of small arms and light weapons is a big challenge in Mandera East. Small arms and light weapons are often used to perpetrate cattle rustling and banditry in the district.

To deal with this challenge, the government of Kenya engaged in disarmament for the whole country, including Mandera East. The confiscated firearms were subsequently burned. The following plate illustrates the Kenya Government’s commitment to the International Protocols on eradication of proliferation of small arms and light weapons.
The above plate shows that the Kenya Government periodically confiscates and burns illegal firearms as a long-term measure to discourage ownership and possession of the same within its jurisdiction. This strategy is implemented through voluntary surrender of illegal firearms and or planned security operations (seizures) RoK (2005b: 3-4).

Gun rights organizations such as the National Rifle Association and the Jews for the Preservation of Firearms Ownership argued that each non-criminal person had a right to self-defense; the most effective way of doing so was by the individual keeping and bearing arms. These organizations pointed out that warlords and governments in conflict areas would always have access to weapons, and disarmament efforts only served to disarm the population, creating more
defenseless victims. The COCOP had been at the forefront of efforts to manage the proliferation of small arms and light weapons through sensitization and advocacy. The plate below shows the signboard for COCOP Mandera office.

Plate 4: The Consortium of Cooperating Partners office in Mandera East – 27/8/2010

The above centre (COCOP, plate 4) was established in the early 1990s for intervention particularly against cattle rustling and banditry, floods and drought and to limit the proliferation of small arms and light weapons through sensitization and advocacy. It serves residents from Mandera East.

Majority of the respondents suggested that the prevalence of small arms in the hands of civilians contributed to the cycle of violence, particularly cattle rustling and banditry. It can therefore be concluded that the proliferation of small arms is a major concern in Mandera East. The easy availability of small and light weapons made cattle rustling and banditry a menace.
2.7.2 Border Conflicts and Socio-Political Instability: Interference from Neighbouring Countries

Cattle rustling and banditry could also be blamed on the porous borders with the neighbouring countries of Somalia and Ethiopia. Abdille Billow (OI. 23-8-2009). Instability in Somalia emerged as a particularly critical issue. Abdinoor Billow (OI. 23-7-2009) indicated that because of instability in Somalia, cross-border cattle rustling and banditry were rampant.

Allale Abdullahi (OI. 12-7-2009) attributed the prevalence of cattle rustling and banditry on Kenya's porous borders resulting in external influence from Somalia and Ethiopia. Ali Omar (OI. 15-7-2009) observed that cattle rustling and banditry situation was further compounded by the fact that there was no physical or controlled border with Somalia in some sections e.g. Border Point 1 in Mandera East. Armed Somali bandits (formerly known as shiftas) regularly raid Kenyan territory Birk Adan, (OI. 27-7-2009). The district further suffered from occasional bloody raids and guerilla activity from the members of Oromo Liberation Front (OLF) based in Ethiopia who steal livestock and cause bloody skirmishes. Arai Madey (OI. 20-7-2009) and Mamow Kheira (OI. 12-8-2009) intimated that they had been victims of the cattle rustling and banditry menace because their habitation (Bullaimpia) bordered Somalia.

The Shifta secessionist attempts in Kenya and Somali internal conflicts in the 1970s and 1980s had a direct effect on the rate of cattle rustling and banditry in northern Kenya (Umar, 1997:18; Goldsmith, 1997: 19; Mburu, 1999: 11). According to Mburu (1999:12), contemporary cattle rustling and banditry along Kenya's border with Ethiopia and Somalia were a consequence of a failed rehabilitation of former veterans of the four-year secession conflict, shifta that were
supported by the Republic of Somalia. In the early phase of the shifta war the Kenyan government confiscated domestic animals and for reasons of military expediency, pulled down huts that had been constructed outside government manyatta (protected villages). After the abortive secessionist war, an economic divergence that included trade and business replaced livestock as a basis of prestige. Some displaced pastoralists found themselves gravitating to urban life. Banditry escalated because some disgraced former guerillas returned to their clans and inevitably continued the traditional clan feuds and rustling in livestock on an escalated scale Mburi, (1999:12).

Abdinoor Abdullahi (Ol. 21-9-2009) observed that cattle rustling and banditry were prevalent in the district, especially along the international borders. Political instability in some countries in the region resulted in the proliferation of sophisticated arms among communities. For instance, countries that neighbour Kenya's northern borders Ethiopia, Somalia, and South Sudan had frequently been in the throes of civil wars, contributing to the escalation of local conflicts and banditry among pastoralists in the region Mukhtar Billow, (Ol. 12-7-2009; Abdiaziz Haji, (Ol. 12-7-2009). Such conflicts transgressed the value of peace and harmony which was a prerequisite for sustainable livelihoods among different communities.

Mandera East neighbours Somalia on the Eastern side. The administrative area also borders Ethiopia and South Sudan, countries that have witnessed decades of civil war. There is a seasonal in-and-out migration of pastoralists to and from Somalia and Ethiopia in search of pasture and water. These interactions contributed to the proliferation of small arms and light weapons and culminated in cattle rustling and banditry.
This section has shown that the external factors that influence cattle rustling and banditry include proliferation of illegal firearms, influx of refugees, border conflicts and interference from neighbouring countries and instability in the region.

2.8 Summary and Conclusion

This chapter has discussed the prevalence and causes of cattle rustling and banditry in Mandera East. It confirms that cattle rustling and banditry are prevalent in Mandera East. The discussion has also demonstrated that cattle rustling and banditry arise due to socio-cultural factors which include cultural milieu and inter-clan feuds; agro-ecological issues; political factors such as competition for political influence, boundary disputes and political disenfranchisement of nomadic communities; socio-economic factors such as competition for scarce resources, poverty, economic constraints and commercialization of banditry; and the influence of civil conflicts in the Horn of Africa such as influx of refugees, proliferation of small arms, border conflicts, interference from neighbouring countries, and socio-political instability in the Horn of Africa region.

It is apparent from the above discussion that the real causes of cattle rustling and banditry are varied and complex. They include natural factors which are made complex by socio-economic, cultural, local, international and political factors. The next chapter discusses the Islamic principles on prevention of cattle rustling and banditry.
CHAPTER THREE

ISLAMIC PRINCIPLES ON THE PREVENTION OF CATTLE RUSTLING AND BANDITRY

3.1 Introduction
This chapter examines the Islamic principles on prohibition of cattle rustling and banditry. Thematic teachings were gathered from the holy Quran, Hadith, publications of Muslim scholars and the activities of Muslim leaders. Focus was on prevention of cattle rustling and banditry. The Holy Quran and Hadith have explicit provisions on the appropriate punishment to be meted out on thieves, adulterers, murderers and those who wage war against Allah and His Messenger by doing mischief in the land. From the two most authentic books of the Hadith, Sahih-al-Bukhari and Sahih Muslim have been used. The Islamic teachings on the application of faith on the prohibition of cattle rustling and banditry, on justice and punishment for cattle rustlers have been discussed.

3.2 Islamic Teachings on Moral, Penal Code and Banditry Activities
Islamic teachings on prohibition of cattle rustling and banditry are derived from the Quran and Hadith. These teachings provide guidelines on how Muslims should relate with Allah and fellow human beings and other living and non-living creatures in the universe. The teachings encompass all spheres of the individual Muslim’s life as elaborated in the Sharia, Islamic law whose first source is the Quran (Ahmed, 1994: 183).

The Quran has laid down some universal and fundamental rights for humanity as a whole which are to be observed and respected under all circumstances. To achieve these rights, the Quran provides not only legal safeguards but also a very effective moral system. The Quran has categorized activities of human beings into good (kheir) and bad (shar) deeds. Thus whatever
leads to the welfare of the individual or the society is morally good in Islam and whatever is injurious is morally bad (Quran, 82:13-14; 85-10-11; 98:7; 99: 7- 8). These ideals are taught during the regular sermons in mosques and other Muslim social fora such as *Idd* and Friday Prayers. The following plate shows sheikhs preaching on issues of peace and tranquillity in a workshop held at *madrassa* Omar-al-Faruq in Mandera East.


The Sheikhs, Imams and Mosque Committee underline the Quranic teachings on righteousness and the evil deeds in the society. The reward for the righteous and severe consequences for evil doers are elaborated accordingly. The Quran further expounded the magnitude of justice in the hereafter. In this world, good and evil are integrated, but will be sorted out and each category even as small as the weight of an atom will be brought to account and will be done openly and
convincingly before the individual (Quran, 99: 7- 8). Hence this is a strong moral teaching of the Quran and the techniques it deploys to caution the evil doers among the communities. The Quran condemns all such unlawful activities as evident in the following verses which have been cited above, but herein detailed:

Verily, the **Abrar** (the pious and righteous) will be in Delight (Paradise). And verily, the **fujjar** (the wicked, disbelievers, polytheists, sinners and evil-doers) will be in the blazing (Hell) (Quran, 82:13-14).

Verily, those who put into trial the believing men and believing women, and then do not turn in repentance, then they will have the torment of Hell and they will have the punishment of the burning Fire. Verily, those who believe and do righteous good deeds, for them will be Gardens under which rivers flow. That is the great success (Quran, 85: 10-11).

Verily, those who believe and do righteous good deeds, they are the best of creatures (Quran, 98: 7).

So whosoever does good equal to the weight of an atom shall see it. And whosoever does evil deeds to the weight of an atom shall see it (Quran, 99:7-8).

The above verses prohibit Muslims from hurting fellow human beings. These verses are relevant because cattle rustling and banditry involve injurious activities depriving a fellow human beings their property and a livelihood, something which is condemned by the Quran. The study revealed that the issue covered in the above citations constituted the strategies used by the mosque institution to enhance peaceful coexistence among the communities.

The moral code of the Quran is to be strictly adhered to in order to make human life worth living and peaceful as illustrated in the verses below:

Whosoever brings good, he shall have the better thereof; and whosoever brings evil, then those who do evil deeds will only be requited for what they used to do (Quran, 28:84). Then taste the torment of the fire because of your forgetting the Meeting of this Day of yours: so taste you the abiding torment for what you used to do (Quran,32:14).

O you who believe! Obey Allah and obey the Messenger (p.b.u.h.) and render not vain your deeds (Quran, 47:33).

The foregoing verses forewarn Muslims against their indulgence in evil deeds to avoid severe punishment to the extent of their deeds.
Hadith constitutes sayings, acts and confirmations of the Prophet [PBUH] (Doi, 1996: 11). While the Quran provides Muslims the Islamic way of life, there are many matters where further guidance is necessary and the Hadith supplements the same as a source of Islamic religious law. Muslims always turn to both sources for answers to their legal and religious challenges. The Prophet (PBUH) said: “He does not believe whose neighbors are not safe from his injurious conduct” (Sahih al Bukhari, Vol. VIII, 1993:31).

The Sunnah of the Prophet stresses the practice of very noble virtues towards neighbours and anybody mistreating neighbours are counted as disbelievers. In this regard, a person who steals a neighbour’s property is injurious to him (her). This is supported by the Hadith which says:

Any body who believes in Allah and the last Day should not harm his neighbour, and anybody who believes in Allah and the last day should entertain his guest generously and anybody who believes in Allah and the last Day should talk about what is good or keep quiet (Sahih al-Bukhari Vol. 8, 1993:33).

The stated Hadith enumerates virtues such as modesty, simplicity, sociability, friendship, respect and patriotism which the cattle rustlers have violated in total. Severe consequences have been laid down in the Sharia to discourage such acts that contradict the essence of the Sharia law. The objectives of Sharia law include safeguarding human life, dignity, intelligence, wealth or property, among others.

The main objective of the Sharia is to construct human life and provide guidance on the basis of M’arufat (virtues) and to cleanse of the Munkarat (vices). The first source of the Sharia is the Quran, which is compact and contains the revealed basic law. Hadith is the second source of
Islamic Sharia (Doi, 1996: 12). It gives clarification of how the laws found in the Quran are to be applied and also contains some legal principles in addition to those of the Quran. It also illustrates how the Prophet decided certain cases that came before him in his capacity as judge. Other sources of Islamic morality are Qiyas (analogy) and Ijma (consensus).

The Islamic jurisprudence divides human actions into five categories. First, farad or a compulsory duty, the omission of which are punishable. Second, are mustahab - actions in this category are rewarded by Allah but omission does not attract punishment. The third category is jaiz or mubah. This is an action which is permitted but legally indifferent where the person is neither rewarded by its commission nor punished by its omission. Fourth, is the term makruh - an action which is disliked or disapproved by Sharia but its commission does not warrant any penalty. Finally, it is haram – an action which is forbidden and is punishable by law and incorporates criminal activities such as adultery, rape and murder, among others, which are common with cattle rustlers and bandits.

Human beings are expected to be merciful and helpful to one another as emphasized by Islamic teachings. Those who engage in vice such as cattle rustling have their actions centred on hatred, and mercilessness. They spread disunity and mischief among members of the community. According to Quraishy (1987: 132), the Quran teaches human beings to be merciful, compassionate and benevolent. Maududi (1978: 32) expounds on this as follows:

Islamic culture requires a man to commence everything with the name of Allah. If this is done consciously and sincerely, it will surely produce three good results. First, it will keep him away from evil because the very name of Allah will impel him to consider whether he is justified in associating His name with a wrong deed or an evil intention. Secondly, the very mention of the name of Allah will create in him the right attitude of mind and direct him to the right direction. Thirdly, he will receive Allah's help when he turns to Him.
The above quotation is a guideline intended to mould human beings into good character and God-fearing people. It is expected that all human activities should be based on the consciousness of the creator. Human beings are thus safeguarded from evil acts by invoking the name of the Creator.

The teachings of Islam concerning social responsibilities are based on kindness and consideration of others. Madressa institutions or Qu'ranic schools and mosques are the avenues through which moral teachings of Islam on various aspects of personal as well as social responsibilities are emphasized Abdikarim Mohamud, (OI. 15-7-2009). However, due to rapid exposition and changes in the society, contradictions of the faith have compromised the moral standards of the majority, especially the youth who have fallen into the trap to engage in cattle rustling and banditry activities. It seems that the youth among the community in Mandera East did not grasp the Islamic concept of peace and community

3.3 Islamic Teachings on Observation of Justice
The Quran teaches that justice is a command of Allah, and whosoever violates it faces grievous punishment: “Allah commands justice, the doing of good, and charity to kith and kin, and He forbids all shameful deeds, and injustice and rebellion” (Quran 16:90). Islamic teachings promote virtue by avoiding activities that are likely to lead to crime (Ahmed, 1994: 206). Indeed, the Quran describes Allah as most merciful, most compassionate and most benevolent.

Muslims are required to do justice in all matters, spiritual and mundane. The Quran expressly forbids mischief, banditry and other crimes in society Mursal Abdirahman, (OI-15-7-2009). Accordingly, stealing is not allowed in Islam.
The Quran states:

O you who believe stand out firmly for justice as witnesses to Allah, even though it be against yourselves, or your parents or your kin be he rich or poor, Allah is Better protector to both (then you) to follow not the trusts (of your hearts), lest you avoid justice and if you distort your witness or refuse to give it verify, Allah is ever well – acquainted with what you do (Quran: 4:135).

The Quran further states:

Verily Allah enjoins Al-Ad (justice and worshipping none but Allah Alone) and (Al-Ihsan) (to be patient in performing ones duties to Allah totally for Allah’s sake and in accordance with Sunnah legal ways) of the Prophet (PBUH) in a perfect manner) and giving help to Kith and (Kin, and forbids “Al-fahisha’” (all evil deeds for example illegal sexual acts disobedience of parents, polytheism, to tell lies to give false witness, to kill life without right) and “al-munkar” (All that is prohibited by Islamic law: - Polytheism of every kind is belief and every kind of evil deeds and Al-Baghy (all kinds of oppression). He admonishes you that you take heed (Quran: 16-90).

The above verses sum up the standard core values that could be maintained collectively or individually in the society. The verse recommends kindness to neighbours and all the vulnerable members of the society. According to Islamic teachings crimes are sins against individuals and society and its well-being which destabilizes the smooth running of the society. Common crimes include drug trafficking, murder, stealing, armed robbery, burglary, homicide, drunkenness, corruption, injustice and genocide among others. Cattle rustling and banditry are a violation of the ethical requirements that make the society to cohere. This crime is mostly committed by people who just pay lip service to the teachings of Islam by visiting the mosque regularly as a formality.

The Quranic injunctions emphasize the virtue of justice for it regulates all aspects of relationships. A just person strives constantly to give others what is their due, so that they can fulfill their duties and exercise their rights as persons. This is exemplified in the quotation below:

O you who believe! Violate not the sanctity of the symbols of Allah, nor of the Sacred Month, nor of the animals brought for sacrifice, nor the garlanded people or animals, and others nor the people coming to the Sacred House (Makkah), seeking the bounty and good pleasure of their Lord. But when you finish the Ihram (of pilgrimage), you may hunt, and let not the hatred of some people in (once) stopping you from Al-Masjid-Al-Haram lead you to transgression and hostility (on your part). Help one another in Al-Birr and At-Taqwa (virtue, righteousness and piety); but do not help
one another in sin and transgression. And fear Allah. Verily, Allah is Severe in punishment (Quran, 5:2).

The above verse is a challenge to Muslims to be in control of their anger, endure others and pardon seeking Allah's rewards. Similar verses such as 3:134 4:149; 7:199, among others, prohibit people from transferring hostility to others.

Those who spend in prosperity and in adversity, who repress anger, and who pardon men; verily Allah loves Al-Muhsinun (the good-doers) (Quran, 3: 134).

Whether you disclose a good deed or conceal it, or pardon an evil verily Allah is ever pardoning, All Powerful (Quran, 4: 149).

Show forgiveness, enjoin what is good, and turn away from the foolish (Quran, 7: 199).

A number of verses encourage Muslims to help one another in virtue, righteousness, piety, and to cooperate among themselves. The well to-do individuals are instructed to cater for the vulnerable (Quran, 76:8 – 9). Muslims are also encouraged to treat others well and forbidden from doing bad deeds to others (Quran, 3:110). The above is evident in the cited verses below:

And they give food, in spite of their love for it to the Maskin (the poor), the orphan, and the captive. We feed you seeking Allah's countenance only. We wish for no reward, nor thanks from you Quran, 76: 8-9).

You are the best peoples ever raised up for mankind; you enjoin Al-Ma 'ruf (all that Islam has ordained) and forbid Al-Munkar (all that Islam has forbidden), and you believe in Allah (Quran, 3:110).

Cattle rustling and banditry are considered to be a grave crime and a sin as it involves murder, rape, theft, and violation of rights. This is supported by the Hadith of the Prophet which goes:

No adulterer is a believer at the time he is committing adultery; no thief is a believer at the time he is stealing; no drinker of wine is a believer at the time he is drinking it; but repentance may be accepted afterwards (Sahih Muslim Vol. 1, 2001:155).

Cattle rustling and banditry besides being offences against the human society also amount to waging war against the Creator Allah and teachings of His Apostle Muhammad (PBUH), as
specified in the Quran(Quran 5:33)Cattle rustling and banditry, therefore, violate the established principles of fundamental ideals of equity and justice for all. Cattle rustlers (bandits) in this regard are criminals by law and deserve capital punishment (Quran, 5:33). The Quran treats this heinous act as a double crime of treason against the state combined with treason against the Creator. Consequently, four alternative punishments are mentioned, any one of which is to be applied according to the crime committed, that is, execution, crucifixion, maiming or exile (Quran 5:33). These severe punishments are an indication of how the Islamic teachings value unity and peaceful co-existence among the communities. In this regard, the study revealed that since the Islamic law is not in force in the country, communities highly recommend the application of maximum sentence to offender as prescribed by the laws of Kenya Abdikarim, (01-2-7-2009).

According to the Quran, alms are obligatory on every Muslim whose wealth has reached a certain level, (minimum possession of 5 camels, or 30 cow 0r 40 goats or heep) to discourage the poor from envying the rich or any kind of enmity to occur between them. Cattle rustlers take advantage of every injustice to participate in evil activities such as murder, rape, abduction among others. The Quran states:

Because of that We ordained for the Children of Israel that if anyone killed a person not in retaliation of murder, or (and) to spread mischief in the land – it would be as if he killed all mankind, and if anyone saved a life, it would be as if he saved the life of all mankind …
(Quran, 5:32).

The above verse emphasizes the sanctity of human life. Each and every one should regard the life of the other as sacred and help to protect it. Subsequently, the one who takes the life of another does not just commit injustice to that one alone, but is an enemy of the whole human race Maududi, (1978: 39). In this regard, cattle rustling and banditry are prohibited by the Quran

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because of the negative consequences associated with the activities. Islam underlines virtues including respect for others and refraining from actions that may harm fellow human beings. Human beings are expected to strive constantly to give others what is their due, which is the right of life, to culture, moral values and material goods. They are to do this as parents, as children, as citizens, as workers and as rulers. Muslims also try to see that others do likewise.

3.4 Punishment for Cattle Rustlers

The Quran contains teachings on prohibitions relating to crime and punishment for theft. Stealing other people’s property is *haram* (prohibited). The Quran declares: “Do not devour one another’s wealth by false and illegal means” (Quran, 2:188). The verses below refer to theft and mischief in the land or territory in which the maintenance of the law and order is the responsibility of the state and therefore “to wage war against Allah and His messenger” is to wage war against the government. Allah sent His Messenger to establish an equitable system of government which should guarantee peace and justice to human beings, animals, trees, vegetation and everything else, which may enable human beings develop to the fullest their natural capabilities. In this regard, cattle rustling and banditry are a violation of Allah’s will. Severe punishment has been laid down for the banditry and highway robbery. The Quran states:

The recompense of those who wage war against Allah and His Messenger and do mischief in the land is only that they shall be killed or crucified or their hands and their feet be cut off from the opposite sides, or to be exiled from the land. That is their disgrace in this world, and a great torment is theirs in the Hereafter (Quran 5:33-34).

And (as for) the male thief and female thief, cut off their hands as a recompense for that which they committed, a punishment by way of example from Allah. And Allah is All-Powerful, All-Wise. But whosoever repents after his crime and does righteous good deeds, then verily, Allah will pardon him. Verily, Allah is Oft-Forgiving, Most Merciful (Quran, 5:38-39).

The above verses show that the Quran is categorical that those who wage war against Allah and His Apostle should be put to death or crucified or their alternate hands and feet cut off or be
banished from the land Quran,( 5:32-33); Doi, (1997: 251). Observably, the Kenyan legal system does not concur with the above forms of punishment (RoK, 2010: 8; 19-57; 159). Even then, the Kenyan law prohibits cattle rustling and banditry and provides appropriate punishment of imprisonment for those who violate the law by engaging in the practice. The local courts have jurisdiction on cases of cattle rustling and banditry because the Sharia law does not apply in Kenya. In the circumstances where Sharia is not applied, the judge may exercise his discretion and award punishment depending on the nature and extent of the crime committed Maududi, (1978: 39). The severe punishment designed for cattle rustling and banditry indicate the stand of Islam to discourage all social evils and the respect for life and property Ismail Yussuf, (OI. 19-7-2009); Billow Abdinoor, (OI. 22-7-2009).

Cattle rustling and banditry thus constitute an issue to be curbed as it reflects total negligence of the teaching of Islamic religion. The importance of punishment for crimes in the Islamic law is to protect people both individuals and the community as a whole from evil because crimes cause harm and injury to the well-being of the society. Islamic teachings put a great premium on the sanctity of human life and property. The Islamic way of life is a constant whole and fosters both material wellbeing and spiritual upliftment.

The Quran has laid down obligations which are not to be ignored, limits which are not to be transgressed and sets of prohibitions which are not to be violated Al-Munajjid, (2003: 7). "... And whoever transgresses the set limits of Allah then indeed he has wronged himself ..... Quran, (65:1). The Quran further states:

And whosoever disobeys Allah and His Messenger, and transgresses His limits, He will cast him into the Fire, to abide therein; and he shall have a disgraceful torment (Quran 4:14).
The traditions of the Prophet which interpret the Quran encourage the doing of good deeds and discourage all evil Doi, (1997: 147). The Hadith is explicit in safeguarding the dignity of the individual, the property, the mind, and sanctity of life. Therefore, cattle rustling which includes a wide range of crimes such as killing, theft, injustice, murder and armed robbery is emphatically prohibited in Islam. A good example is the judgment the Prophet Muhammad (PBUH) passed on the culprit who indulged in this serious criminal act. According to a Hadith reported by Anas Ibn Malik, a companion of the Prophet narrated how the Holy Prophet (PBUH) punished wrongdoers:

Some people from the tribe of Ukul came to the Prophet that the weather in Medina was not favourable to them and they suffered from ill health. The Prophet ordered they be taken outside Medina to stay where the weather was better and drink milk from the camel belonging to the state. They killed the keepers and ran away with cattle. When the matter was reported to the Prophet he ordered they should be chased, brought back and be punished (Sahih Al-Bukhari, Vol. 8: 537; Sahih Muslim, Vol. 3: 907-912).

The above Hadith expresses the magnitude of the crime these people committed thus their hands and feet were cut without amputating their limbs till they died. The severity of the punishment signifies the gravity of the crime of cattle rustling and banditry. The ultimate aim is to discourage all social evils and encourage the respect for human life and property.

The Hadith reiterates on good manners which Islam strives to disseminate among its followers. These include the excellence of keeping good relations with one’s family, relatives, orphans, widows, and needy persons. In addition, one is supposed to be merciful to all peoples and animals Sahih al-Bukhari, (Vol. 8, 1993: 17-33). Kindness should be extended to neighbours and the community at large. The Hadith states:

By Allah he does not believe! By Allah he does not believe after the third time it was said who is that, O Allah’s apostle. He said, the person whose neighbours do not feel safe from his evil (Sahih al-Bukhari Vol.8, 1993: 33).
Cattle rustlers had been specified in the Quran and Hadith as those who waged war against the system, the Sharia, or the religion of Allah, the community and the Prophet (PBUH) by crime. Quran 5:33. The evil deeds, murder and mischief the cattle rustlers commit on the land invite severe punishment so as to discourage others. The punishment is killing or crucifixion, or cutting off their hands, feet from opposite sides or exile from the land. That is either to execute the culprits, to crucify, cut off their hands and feet or exile them. This is the interpretation of Maliki School of Thought (Maududi, 1978: 39).

Sabuni (1981: 340) holds that each category is to meet with an appropriate consequence in line with their act. For instance, if they kill, they will be killed; if they kill and raid, they will be killed and crucified; if they raid only animals their hands and feet will be cut from opposite sides. If they only frighten the road users, they will be exiled from the land.

The Islamic stance prohibits all evil deeds such as robbery, murder, rape, adultery and cattle rustling and banditry. Severe punishment is advised if any of the stated crimes is committed. According to the Hadith: “Cut off the hand of a thief for a quarter of a dinar and upwards” Sahih Muslim (Vol. III, 2001: 907).

The above Hadith shows that extreme severity of this punishment can be understood from the fundamental principle of Islamic law that no obligation or (takalif) is ever imposed on human being without being granted a responding right (hagg). It is against the background of this social security scheme envisaged by Islam that the Quran and Hadith imposed very severe sentence of cutting off the hand as a deterrent punishment.
Muslim scholars particularly imams, Sheikhs and Madrassa teachers interpret the teachings of the Quran and Hadith in mosques and other Islamic gatherings such as Idd and the Khtuba on the prohibition of cattle rustling and banditry. In this regard Sheikh Abdiaziz (01. 12-8-2010); Sheikh Abdullahi (OL. 15-3-2011); Maalim Abukar (OL. 20-3-2011) and Maalim Mukhtar (OL. 15-3-2011) observe that the teachings of Quran and Hadith in mosques should be incorporated in efforts to curb cattle rustling and banditry in Mandera East as the Islamic faith is explicit in their relevance.

From the foregoing discussion, it is clear that the Quranic precepts, the tenets of Hadith and teachings of Islam in mosques prohibit cattle rustling and banditry and provide appropriate punishment to be meted out on the offenders.

3.5 Summary and Conclusion

This chapter has exemplified the Islamic teachings on moral and penal code as well as precept that underline justice and punishment for cattle rustlers. The discussion has shown that Islamic teachings abhor social evils such as cattle rustling and banditry and provide legal provisions on the appropriate punishment to be meted out on offenders. Sharia law is not enforceable in Kenya just like in most of the other secular states in the world. The Kenya Constitution and Statute Law safeguard human rights, protect private property and provide for appropriate punishment as per the local Kenyan situation for cattle rustlers. In this regard, Kenyan law recognizes cattle rustling and banditry to be a punishable crime. Islamic teachings on the prohibition of cattle rustling and
banditry have continued to shape human relationships and social order in Mandera East. This is because the inhabitants are predominantly Muslims and they subscribe to the teachings.

The discussion has shown that the Islamic teachings on cattle rustling and banditry are enshrined in the Holy Quran and Hadith. In addition, the teachings sensitize Muslims on the appropriate life awaiting them in the hereafter through the mosque institution. The teachings are underlined in different religious, social and political fora such as *idd* and *khutbah* prayers. However, the strict enforcement of the *Sharia* is hampered by the lack of an integrated mechanism involving the mosque institution for preventing cattle rustling and banditry. The specific contributions of the mosque institution are discussed in the next chapter.
CHAPTER FOUR

THE EFFORTS AND CONSTRAINTS OF THE MOSQUE INSTITUTION IN CURBING CATTLE RUSTLING AND BANDITRY IN MANDERA EAST

4.1 Introduction

This chapter provides findings on the efforts and constraints of the mosque institution in curbing cattle rustling and banditry in Mandera East. It starts with the definition of the mosque. The chapter proceeds to discuss activities of the mosque institution and specifies the key players engaged in prevention of cattle rustling and banditry such as the religious leaders, the elders, youths, government officers, NGOs and CBOs. Areas of successes, challenges and limitations of the existing mosque institution and other organizations are noted and discussed.

4.2 Definition of Mosque

The Arabic word masjid (mosque) means any place in which one performs the act of sujud (prostration) and acts of worship and devotion. Quresh (1987:41) A mosque (masjid) is a place where Muslims offer prayers. It is the centre of congregation, preaching, and dissemination of information. The mosque controls the religious, social, economic and political affairs of Islam. Doi, (1998: 142-145). The major activities of the mosque institution include worship and learning. The mosque also serves as a reception forum for delegates, visitors and congregation. It is the place from which imam issues his khutbah (sermon). In this regard, during khutbah the imam normally condemns all prohibited activities that could have occurred in the past week including cattle rustling and banditry. Further, a mosque is a place for shelter for the injured and dispossessed, a house for consultation, an arena for settling disputes and carrying out marriage and divorce ceremonies. It also acts as a propagation centre for good behaviour, moral values, spiritual growth among others based on Islamic teaching.
The mosque is the basic multi-functional institution of Muslims comprising of the mosque committee, the imam, muezzin (caller of faithful for prayers), helpers, kadhis and the congregation. It is expected to enforce Islamic principles of the Sharia as prescribed in the Holy Quran and Hadith. This is an arena for worship, leadership, enforcement of social, political, cultural, educational and economic responsibilities.

4.3 Activities of the Mosque Institution

The mosque is one of the basic Islamic institutions that play a major role in the promotion of truth, justice, knowledge and goodness in the society. This is because it serves as the centre for worship, education as well as social and political activities. The mosque staff run routine duties such as daily salah (prayer), jamaah (congregation), Friday prayer, funeral related services, collection and disbursement of zakah, and other functions for Muslims within a mukim or area of the mosque administration. Besides the formal administrative structure, all mosques are required to have an informal organizational structure with various committee members who will run various activities for the benefit of the local community Idris Hamud, (OI. 3-08-2010); Bullahawa Hussein, (OI. 2-08-10).

The local mosque committees are greatly respected in the community hence they have the capacity to convince the people to uphold Islamic tenets and to live in peace in accordance with preaching of the Holy Quran, Hadith and Islamic jurisprudence. The teachings of Islam as conveyed in mosques concerning social responsibilities are based on the penal laws of Islam (Hudud) that prevent, restrain and prohibit some unlawful activities or actions Quran: (2:178-179); Ahmed, (1994:208): Doi, (1997:221); Kheir and Ondigo, (2007:230-231). According to
Islamic teachings, the taking of life or property belonging to others is unlawful irrespective of whether they are Muslim or non-Muslim (Ahmed, 1994:111).

The study revealed that the mosque institution is essentially the initial step towards encouraging unity, brotherhood and sisterhood amongst people. It provides an effective guideline for inviting people to Allah and is conducive to the propagation and progress of Islam particularly through the *khutbah* where evil acts perpetrated against fellow Muslims are condemned Omar Abdiaziz, (Ol. 4-08-2010). Each mosque covers a specific area or *mukim*. In most cases, the committee which comprises of the imams, sheikh, muezzin is familiar with the population in that area. There exists a social linkage between mosque committee members and the local community making the mosque involvement in curbing cattle rustling and banditry significant. The management of the mosque draws strategic plans for curbing cattle rustling and banditry involving various stakeholders such as the provincial administration, youth leaders, women leaders and peace committees to combat the menace of cattle rustling and banditry Bulle Hussein, (Ol. 10-08-2010).

The mosque committee working under the Mandera Mediation Council (MMC) devote much of their time to settling disputes related to cattle rustling and banditry using a number of strategies: youth dialogue, positive behaviour change, peace caravan, roadside preaching, police dialogue, chiefs dialogue, inter-*madrassa* competition, rapid response initiatives and monitoring the implementation of peace agreements through conducting monthly meetings and workshops and publication of monthly progress reports Ismael, (Ol. 21-07-2010; Idris, (Ol. 3-08-2010); Bullahawa, (Ol. 2-08-20). The Mosque committees have also established trauma healing
programmes to handle cases of conflicts arising from cattle rustling and banditry. Mursal Abdirahman, (O1. 15-7-2009). The following Plate shows the members of the recently established MMC.

Plate 6: The Researcher in an Interview Session with the Chairman and Members of the Mandera Mediation Council – 13/8/2010

The MMC is supposed to coordinate the activities of the mosques in Mandera East. This office is said to be instrumental in the harmonization of the activities and programmes of different mosques within Mandera East.

The study found out that in regard to the issues of conflicts, cattle rustling and banditry the following themes are underlined in most sermons and religious gatherings: behaviour change for the youth, preaching on peace and tranquillity, implementation through peace caravan trips, roadside preaching to educate people the consequences of transcending the limits of Islamic tenets and how to enhance good neighbourhood, importance of good relationships and cooperation with GoK officials, inter-madrassa competitions to enhance information
dissemination and religious practices, rapid response initiatives, monitoring and implementation of peace accords and trauma healing. Let us now examine how these strategies are used in settling disputes related to cattle rustling and banditry. The above issues are discussed thematically in the section that follows.

4.3.1 Youth Dialogue to Promote Positive Behaviour Change
The youths were unanimous that the mosque institution has social programmes to enhance harmonious co-existence among the communities in Mandera East. According to PACT-Kenya Mandera Office (2009:2) and Abdille Billow, (Ol. 23-8-2009), positive behavioural change for the youth is an important activity used by mosque committees to combat cattle rustling and banditry. The objective of this activity is to create awareness and educate the youth on their role in religious peace building in community development initiatives; to identify and plan ways of combating crimes associated with peer pressure for instance drug abuse, banditry among others and its related dangers; and to enhance the social livelihood of the youth through small scale enterprises, talent development and strengthen peaceful co-existence of the different communities using Islamic teachings.

The study revealed that the efforts by the mosque institution to combat cattle rustling and banditry are bearing fruits. Most 9 (90%) of the youths indicated that youth groups participate in efforts like engaging in income-generating activities, indoor games among others which are geared towards combating cattle rustling and banditry while 1 (10%) disagreed with this position. Most of the respondents among the youth indicated that the mosque committees facilitated youths to conduct advisory sessions, help aggrieved families by providing relief food
and trauma healing sessions, organize peace meetings, participate in games/tournaments to
promote peace and peaceful co-existence Abdille Billow, (OI. 23-8-2009; Khalif Mohamud, (OI.
17-8-2009). They also educated the youth against the practice of stealing and encouraged them to
participate in gainful employment activities such as small scale enterprises (jua kali). In addition,
the mosque committee actively propagated the Islamic principles of punishing the offenders
through the cutting off the hand, help in apprehending culprits, help counsel the affected
families, conduct advisory seminars, help unemployed youths and encourage youths to avoid
social places where idle talk may lead to cattle rustling and banditry. The following Table 4.1
and figure 4.1 present the responses of the youth representatives on the participation of youth
groups in combating cattle rustling and banditry in Mandera East.

Table 4.1: Participation of Youth Groups in Combating Cattle Rustling and Banditry in
Mandera East

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<td>Total</td>
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<td>100.0</td>
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</tbody>
</table>

The above information is presented in Fig. 4.1 below.
From the above table 4.1 and Fig. 4.1, it can be noted that the youths actively participate in efforts to combat cattle rustling and banditry in Mandera East. It is further noted that very few youths said they do not participate in such efforts. Their participation involves sporting activities, community policing and rapid response initiatives among others.

4.3.2 Religious Peace Caravan and Meeting to Promote Positive Social Values

This is a missionary activity organized by the mosque committee. A group of sheikhs and imams move from village to village propagating and preaching on good practices, positive moral values and peace building. The religious peace caravan is one of the major activities the mosque committees have adopted to deal with the cattle rustling and banditry problem Mandera Report,
The study established that in most cases, religious leaders took the initiative to pacify the conflicting Garre and Murule clans to stop enmity and embrace peace during the caravan processions. The peace actors who participate in the peace dialogue meeting include religious leaders, neutrals clans such as Dagodia and “Corner tribes”, ALRMP, MDPC, WFPD, Youth for Peace and Development (YOPED), Practical Action and PACT Kenya (Peace II programme). This culminated into the initiation of various peace committees particularly the Mandera District Peace Committee. The peace committees are currently well established organizations with basic physical infrastructure such as the meeting venues. The plate below shows the Mandera Peace Committee meeting taking place at madrassa Nur-al-Islam at Township Location in Central Division in Mandera East.

Plate 7: Mandera District Peace Committee Meeting at madrassa Nur-al-Islam – 15/8/2009

There are regular meetings held in Mandera East Committte offices. The frequency of meetings is higher in seasons when banditry and cattle rustling are rampant. The Mandera East Peace Committee often plays a critical role in security, peace-building and conflict resolution at the
grassroot levels. It is acknowledged that peace-building and conflict management at the community level is the foundation and cornerstone on which sustainable peace can be achieved and nurtured. Notably, peace committees have provided best practices in not only mitigating against potential conflict but also in promoting dialogue among contending parties.

Cattle rustling and banditry is quite common in Mandera East. Indeed, according to the Mandera Women for Peace and Development Annual Report (2003:2) the human casualties from 1991-2001 include bandit attack on three manyattas where three persons were injured; hijack of two camels and goods worth Kshs. 160,000; attack and injury of three men in Taakaba; robbing of three herdsmen at Laffey trading center; theft of 50 heads of cattle in Gurarar; and injury of herdsman and theft of 140 cattle in Laffey, among others. The plate below shows the researcher and the officials of the Mandera Women for Peace and Development at their offices.

Plate 8: The Researcher at Women for Peace and Development Mandera Office- 12/8/2010
The Mandera Women for Peace and Development plays a vital role in Mandera County to coordinate peace efforts at the grassroot. Cattle rustling and banditry are some of the challenges they deal with on a regular basis.

Through peace caravans it has been possible to disseminate peace agreements and sustain peaceful environment and formation of peace structures to manage cattle rustling and banditry. For instance, peace caravans became handy during conflicts involving Murule, Garre and Marehan clans. One such religious peace caravans started from Mandera, Rhamu, Bambo, Kubi, Gari, Wargadud and ended at El-wak in 2005. The objectives were to provide the people with trauma healing techniques and social reconciliation; to encourage the community to maintain harmonious co-existence; to remind people on the importance of sharing resources such as water and pasture; and to enable the community elders and religious leaders to recognize the role they play in curbing cattle rustling and banditry. Billow Abdinoor, (OI. 22-7-2009), Mandera Women for Peace and Development Annual Report (2003:2)

4.3.3 Roadside Preaching to Impart Positive Moral Values

Religious leaders carry out street preaching especially on Friday and Idd prayers occasion – that is, *idd-ul-fitr* (celebration at the end of Ramadhan or the month of fasting) and *idd-ul-alha* (celebration on the tenth day of the month of pilgrimage). They also tour urban centres and the countryside to sensitize the communities to desist from cattle rustling and banditry Mukhtar Billow, (OI. 12-7-2009); Abdiaziz Haji, (OI. 12-7-2009). Roadside peace prayers have been used by mosque committee members e.g. the *imam* to address the cattle rustling and banditry menace in Mandera East PACT-Kenya Mandera Office, (2009); Abdiaziz, (OI. 12-7-2009).
objectives of roadside peace rallies include creating awareness and educating the residents on how to maintain peaceful co-existence in conflict-sensitive issues; to remind residents of their importance and role in community development initiatives; to identify and plan ways of combating crimes; and to enhance the social livelihoods and strengthen peaceful co-existence of the different communities using Islamic teachings. The following plate shows sheikhs participating in a sensitization workshop at Arabiah madrassa in Arabia town in Fino Division of Mandera East.

Plate 9: The Sheikhs Carrying Out Sensitization and Dissemination of Information during Road-Side Preaching Conducted at Arabiah Madrassa in Arabia Town in Fino Division – 15/8/2010
In this regard, the mosque committees and other Muslim institutions have been very active in organizing roadside preaching and enhancing peace initiatives to combat cattle rustling and banditry menace.

4.3.4 Police and Chiefs’ Dialogue to Strengthen Mutual Working Relations.
Dialogue with the police and the provincial administration (chiefs) is another major activity organized by the mosque institution to deal with cattle rustling and banditry (Pact Kenya Mandera Office, 2009); Allale Abdullahi, (Ol. 12-7-2009). According to the research findings the objectives of the police and chiefs’ dialogue are to strengthen the working relation of the police and the religious leaders; to discuss the various problems in the society and how to settle them; to relay strategies of reforming the youth; to identify ways of strengthening the police relations with the public; and to create a joint collaboration between the religious leaders and the police to address the cattle rustling and banditry menace. Pact Kenya Mandera Office, (2009) The partnership of the mosque committee and the police is a key to community policing, where the members of the community especially the youth take part in maintaining security in collaboration with the police.

4.3.5 Inter-madrassa Competitions for Moral Education
The mosque committees organize competitions involving madrassas. The inter-madrassa competition entails Quran recitations, dramatic skits and poetry with thematic moral education based on cultural and Islamic education values aimed at inculcating the same in the youth. Other presentations are based on prescriptions and prohibitions as enshrined in Quran and Hadith. The madrassa curriculum encompasses broad issues in the larger society particularly the
encouragement of virtue and avoidance of crime and immorality. The inter-madrassa competition is important in shaping and moulding young minds to desist from entertaining notions that cattle rustling is beneficial and instead to promote virtues in accordance with religious teachings Sheikh Hassan, (15-4-2010); Abukar Hussein, (Ol. 22-7-2010).

All the madrassa teachers 12 (100%) were unanimous that the mosque has a role to play in dealing with incidences of cattle rustling and banditry. This is because the mosque is the centre for converging of Muslims daily and weekly. During inter-madrassa competitions, madrassa teachers constantly give advice, instructing the righteous and prohibiting the wrong, stressing on the consequences of doing evil, hence the youth are not expected to engage in vices like cattle rustling and banditry. Habiba, (Ol. 8-8-2009); Sheikh Khalif, (Ol. 18-4-2011). Often, sheikhs are invited as guest speakers during the inter-madrassa competitions to provide important teachings on justice, peace, security and peaceful co-existence among Muslim communities. This is because Muslims are expected to co-exist peacefully and observe justice thereby manage cattle rustling and banditry. Mosques and madrassa jointly spread the Islamic faith and sensitize the public on the virtues of peaceful co-existence as illustrated by the Mandera Mosques and Madrassas Development Forum (MAMMDEF) offices whose signboard is noted in the following plate
The established offices are crucial for the co-ordination of the Mosques and Madrassas activities in Mandera East to avoid duplication of efforts.

4.3.6 Rapid Response Initiatives to Explore Ways of Dealing with Emergencies

The mosque committees are deeply involved in addressing the cattle rustling and banditry menace in Mandera East through rapid response initiatives. For instance, during the conflict at Rhamu involving Takaba and Banissa in 2008, the government deployed sheikhs to resolve the conflict through preaching, educating and teaching the masses Abdikarim Mohamud, (Ol. 15-7-2009). The conflict at Rhamu involved the Garre and Murule communities. It erupted after the killing of a Murule man travelling in a bus from Elwak to Takaba town. Another case in point is during the tribal clashes in 2005 between Garre and Murule, the mosque committee intervened and successfully reconciled the two communities after all other strategies had failed. Mosque committees made it possible for the compensation of lost life through the payment of blood
money and the fighting, destruction of property and stealing stopped, as per the Umal Accord Peace Agreement between the two communities.

The mosque committees perceive banditry as *haram* and raise their concerns in various *barazas* and peace meetings. They also reach out to the targeted groups and the perpetrators to inform them of the consequences of such an offence in the hereafter. This is because the Holy Quran and *Hadith* contain matters relating to crime and punishment e.g. theft, armed robbery Abdille Billow, (OI. 23-8-2009).

4.3.7 Implementation Monitoring of Peace Agreements

A number of peace agreements regarding cattle rustling and banditry have been consummated with the participation of the mosque committee namely Modogashe Declaration of 2001, Umal Accord of 2005, and Garissa Declaration of 2005 (RoK, 2005a:3; 2005b:3-4). Most importantly, the mosque committees monitor the implementation of peace agreements through conducting monthly meetings, workshops and publication of monthly progress reports. The mandate to monitor the implementation of peace agreements is normally assigned to the mosque committee when concluding the accords. The plate 11 below shows Al-Taqwa mosque committee meeting during monitoring and implementation of the Umal peace agreements at Lafey town in Mandera East.
Plate 11: Mosque Committee Meeting During Monitoring and Implementation of Peace Agreements at Lafey Town – 3/8/2010

Members of the mosque committee also advise and encourage conflicting parties to respect the signed peace agreements. This helps them when monitoring the implementation process. Indeed, the unique thing about the talks that brought fighting to a halt between the Garre and Murule clans in Mandera in October 2008 was the pivotal role of the mosque management committees. According to Ismail Yussuf (OI. 19-7-2009); and Billow Abdinoor (OI. 22-7-2009) the significance of having mosque committees lead the peace process is that they are perceived by members of the community as being impartial, that is, above clan politics. The community members provide valuable information during monitoring as a result of mutual trust and respect accorded them. The mosque committees have also from time to time successfully intervened in the cross-border conflict between Mandera, Somalia and Ethiopia communities (RoK, 2005a: 4). In this regard, there is need to support the mosque committees to successfully manage cattle rustling and banditry in the Mandera East.
The mosque committee normally plans the logistics of peace-building and monitors implementation to ensure the success of peace efforts.

4.3.8 Trauma Healing for Peaceful Co-Existing

Trauma healing is the process where victims of cattle rustling and banditry are given opportunities to talk about their experiences of the conflict, accept their situation and come up with ways of coping with it. In this, women play a pivotal role by offering personal testimonies. Traditionally, Somali women give encouragement and support to husbands and sons when they participate in cattle rustling and banditry. Women are members of CBOs, FBOs, NGOs and other organizations which are pivotal in trauma healing. Through interclan marriages, women serve as arbitours when conflict arise and during the reconciliation process Trauma healing has recently become a critical approach used by the mosque committee to arbitrate conflicts involving cattle rustling and banditry. In the words of Mursal Abdirahman (OII. 15-7-2009), “trauma healing is the only thing that gets victims to talk …” about their traumatic experiences during conflicts. The following plate 12 shows trauma healing discussion session held at Mandera Town and organized by Women For Peace Development on 5/04/2011.
The trauma healing sessions involve victims especially women and youth and other affected community members. The facilitators during the sessions include youth representatives, GoK officials, community members such as sages and invited guest speakers particularly sheikhs.

In concluding this section we could summarize that the mosque management committees were at the forefront in efforts to combat cattle rustling and banditry. It emerged that they were involved in a number of activities to realize this objective. These activities include dialogue with youth for positive behaviour change, peace caravan, roadside preaching, police and chiefs dialogue, inter-madrassa competition, rapid response initiatives and monitoring the implementation of peace agreements. Through conducting monthly meetings, workshops and publication of monthly progress reports. This is important because it informs and gives regular updates on the happenings on the ground to the key stakeholders.
4.4 Other Moral Education Activities of the Mosque Institution in Combating Cattle Rustling and Banditry

The role of the mosque institution is to encourage people to perform all kinds of good deeds and restrain people from engaging in evil deeds (al-munkar) which Allah has forbidden. The mosque committees have volunteered and succeeded in mediating and advising the communities to shun illegal practices. They have also helped in the formation of peace committees which comprise of respected sages, sheikhs, youth and women representatives in different locations within Mandera East.

Dissemination of Islamic principles has had some impact in Mandera East, including reduced crime in society by acting as a deterrent to potential criminals, peaceful co-existence, development and prosperity. The victims are consoled and forgive the perpetrators, while the perpetrators understand realities of the incidents, devotion to God helps people stop stealing hence building trust Mukhtar Billow, (Ol. 12-7-2009).

Table 4.2 and Fig. 4.2 show the views of mosque committees on the role of the mosque in curbing cattle rustling and banditry in Mandera East.

Table 4.2: Views of Mosque Committees on any role Played by the Mosque institution in curbing Cattle Rustling and Banditry in Mandera East

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<td>Total</td>
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The information above is presented in Fig. 4.2 below.
According to Table 4.2 and Fig. 4.2, majority of the religious leaders 49 (98%) concluded that some of the measures introduced by the mosque institution had been fruitful. The mosque institution had helped to reduce incidences of cattle rustling, reduced tribal tensions, enabled people freely move around without fear, reduced revenge and counter revenge from the involved parties. A good number of rustlers had reformed; some animals taken had been returned and some affected families received support. The mosque committees facilitated the drawing of peace accords, agreements and the designing of compensation agreements through initiating peace caravan and meetings, roadside preaching and the trauma healing process. Abdikadir Sheikh, (01. 16-7-2009); Sheikh Abdisitar, (21-7-2010).

All the representatives of CBOs (100%) intimated that the mosque institution had a role to play in ensuring discipline and harmonious coexistence. They indicated that the mosque as an institution built tolerance- among various communities. It was also a place where peace and harmonious co-existence was preached. Brotherhood and sisterhood among the Muslim community was paramount to promote peace. Aftin Birik, (OI. 12-7-2009).
Most of the CBOs (98.0%) underlined that the efforts by the mosque institution had been successful in reducing cases of cattle rustling and banditry. Only 2% felt that the mosque institution had not been successful (See Fig. 4.3). The study noted that mosque committees played a crucial role in combating cattle rustling and banditry by encouraging virtue and discouraging criminal tendencies.

Table 4.3: Views of CBOs on Any Successful Measure by the Mosque Institution in curbing Cattle Rustling and Banditry in Mandera East

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The above data is presented in Fig. 4.3 below

Figure 4.3: Views of CBOs on Any Successful Measure by Mosque in Curbing Cattle Rustling and Banditry in Mandera East.

Table 4.3 and Fig. 4.3 show the views of CBOs on the involvement of the mosque institution in dissemination of information to create public awareness with a view to reducing incidences of
cattle rustling and banditry. The study noted that most of the informants, 98% were of the view that the mosque has been successful in curbing cattle rustling and banditry in Mandera East.

All the madrassa teachers (12) were in agreement that the mosque institution had been successful in its attempts to curb cattle rustling by providing mosque based meetings and initiating dialogue mechanisms whenever necessary. The study established that efforts by the mosque institution had an impact in the district as they sensitized Muslims on the importance of sharing scarce resources. They reformed youthful rustlers by making them engage in small scale enterprises; and compensated affected families. People now lived in harmony except in some cases of minor theft of animals (Khalif Mohamud, OI. 17-8-2009). The Plate 13 below shows the largest madrassa in Mandera East and is situated in Mandera Town. A good portion of the youth in the district are graduates of this madrassa hence has an influence on their moral values and engagements. This is because there is an increasing number of reformed cattle rustlers and bandits. Abdikadir Sheikh, (OI. 16-7-2009); Sheikh Abdisitar, (21-7-2010).
Despite the efforts undertaken, the mosque institution has encountered a number of challenges in mitigating against cattle rustling and banditry in Mandera East.

4.5 Challenges of the Mosque Institution in Curbing Cattle Rustling and Banditry in Mandera East

Local and national Muslim leaders are critical in efforts to curb cattle rustling and banditry in Mandera East. Mosque committees and other Muslim institutions such as SUPKEM, Council of Imams and Kadhis Court have put in place security committees and peace initiatives to combat the cattle rustling and banditry menace ALRMP, (2005:8); Mkutu, (2005:75; 2007:47-70); Small Arms Survey, (2008:4); ALRMP, (2008b:3). Intervention efforts by the mosque institution have not been without challenges. The challenges that respondents identified include lack of recognition and empowerment by the GoK, lack of Sharia law since Kenya is a secular state, financial constraints, instability in Somalia contributing to influx of refugees and criminals, poor
infrastructure, lack of secular education for a majority of the mosque committee members and poor networking among mosques. This information is summarized in Table 4.4 and Fig. 4.4 below.

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<th>Influx of refugees and criminals</th>
<th>Financial Constraints</th>
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Table 4.4 and Figure 4.4 show that the mosque institution is faced by diverse challenges in combating cattle rustling and banditry in Mandera East. These challenges are discussed in details in the sections that follow.

4.5.1 Lack of recognition and empowerment by GoK and non-application of Sharia

The research findings indicated that a combination of factors continued to hamper progress in attempts by the mosque institution to combat cattle rustling and banditry. Perhaps one of the major challenges of mosque and local organizations was lack of recognition and empowerment by the GoK Abdikarim Mohamud, (Ol. 15-7-2009). There was no relevant (legal) policy
framework to guide the intervention of mosque institutions. Therefore, the mosque lacked the authority to initiate penalty or punish culprits.

The mosque can only give advice but cannot enforce law and order. In fact, there was often conflict between the mosque and the government on how to punish the vice. This is because whereas the mosque is guided by sharia, the government of Kenya is guided by the State Constitution. This is a big challenge to Muslim religious leadership under the auspices of mosque committees and Council of Imams of Kenya in view of Islamic teachings on peace and tranquillity and strict prohibition of crimes related to stealing, robbery and murder yet the situation on the ground show that banditry and cattle rustling is the norm.

Further, the relationship between the government and religious leaders has not been cordial. For instance, during the 2009 clan clashes, the government banned the involvement of religious leaders in peace accords and used force instead. The provincial administration often has a negative attitude towards religious leaders Abdinoor Billow, (Oi. 23-7-2009).

4.5.2 Instability of Somalia and Influx of Refugees and Criminals
The other equally critical challenge was the deterioration of security in Somalia and the subsequent influx of refugees and criminals Mohamud Abdikarim, (Oi. 15-7-2009); Arai Maday, (Oi. 20-07-2010). The collapse of the state in Somalia had led to an influx of refugees and criminals and at the same time was an arms influx raising the possibility of more incidences of cattle rustling and banditry Practical Action, (2005: 76); Opiyo, (2010: 13).
Respondents indicated that illegal arms were easily available from neighbouring countries. They also observed that the GoK was only interested in stopping the movement of illegal arms to Nairobi and other parts of the country Khalif Mohamud, (OI. 17-8-2009); Idris Hamud, (OI. 3-08-2010); Bullahawa Hussein, (OI. 2-08-10). However, without taking action against those coming in through the porous border with Somalia, the reality made it difficult for the mosque institution to fully curb cattle rustling and banditry.

4.5.3 Financial Constraints and Poor Infrastructure

The mosque committees lacked funds to adequately meet operational and logistical costs in its efforts to curb cattle rustling and banditry Salah Dakane, (OI. 30-7-2009). Mobility is a problem due to poor infrastructure and the vastness of the district particularly the fact that most cattle rustling and banditry incidents occurred in the bush Practical Action Group, (2005: 13); Ismail Yussuf, (OI. 19-7-2009). Most of the roads in Mandera East were impassable, creating a challenge for religious leaders and security agencies to move from one place to another. During cattle raids when alarm was raised, the government security agents, especially the police, the army and General Service Unit (GSU) were slowed down by the poor roads leading to serious loss of life and property. The poor infrastructure implied weak security systems and low economic activities. It also raised transportation costs. The poor infrastructure also inhibited the effectiveness of the mosque committees in their rapid initiative response to cases of cattle rustling and banditry. Besides, the sheikhs worked on voluntary basis and without pay, a further indication that financial support was a major challenge especially given the fact that when moving around they went without food and water for days.
4.5.4 Lack of Secular Education and Poor Networking among Mosques

The other challenge was the fact that most of the sheikhs lacked secular education. Some sheikhs had trained in Arabic and could neither communicate in English nor Kiswahili which are necessary in official communication with the GoK officials. They could not attend government organized workshops and could not read written reports, policy documents and other literature on cattle rustling and banditry. Allale Abdullahi, (OI. 12-7-2009). This in a way incapacitated the effectiveness of mosque committees in addressing the problem of cattle rustling and banditry in Mandera East.

There is poor networking among the various mosques. Sometimes there is disunity within the members of the mosque over the best strategies to adopt thereby compromising their effectiveness in dealing with cattle rustling and banditry. This was evident from the frequent recurrence of interclan fighting, cattle rustling and banditry. Khalif Mohamud, (OI. 17-8-2009)

The study noted some instances where neighbouring mosques failed to jointly implement strategies that could effectively manage cattle rustling and banditry. In such cases cattle rustling and banditry went on unabated.

4.6 Summary and Conclusion

The foregoing discussion has illustrated that indeed the mosque institution was pivotal in addressing cattle rustling and banditry in Mandera East. This was through roadside preaching, peace caravans, youth dialogue and positive behaviour change, police and chiefs’ dialogue, inter-madrassa competition, rapid response initiatives and monitoring the implementation of peace agreements. This was also through conducting monthly meetings, workshops and publication of monthly progress reports. The strategies the mosque institution use include religious advice,
promoting good neighbourliness and peaceful co-existence. It is also done through preaching, establishing and supporting peace committees, reconciling conflicting parties and enforcement of Islamic principles like sanctity of life, upholding moral values and peace agreements. Nevertheless, the mosque institution is faced by a myriad of challenges. These include sporadic cattle raids and rustling, lack of secular education and networking among religious leaders, poor infrastructure, lack of enforcement mechanisms, funds, relevant policy framework and most importantly recognition and empowerment by the GoK. Without concerted efforts and harmonious working relationship among Muslim organizations, civil society organizations and GoK agencies the existing effort of mosque institutions remain limited and hence inadequate in regard to total mitigation of cattle rustling and banditry. Whereas the Islamic principles as reconstructed from the Islamic Paradigm of peace have the potential to change the people’s attitude, they are yet to be assimilated and fully practiced by the local community.

The chapter has demonstrated the critical role of mosque institution in contributing towards mitigation of cattle rustling and banditry. Apparently, effective prevention of cattle rustling and banditry require affirmative action in strengthening institutional framework, religious programmes and extension services of mosque activities. Ultimately, Muslims should address these challenges. The next chapter discusses the details of the integrated efforts of the Mosque institutions and other stakeholders.
CHAPTER FIVE

INTEGRATION OF THE EFFORTS OF THE MOSQUE INSTITUTION, NGOS AND GOK IN COMBATING CATTLE RUSTLING AND BANDITRY IN MANDERA EAST

5.1 Introduction

This chapter presents findings on the integration of efforts of the mosque institution, NGOs and GoK in combating cattle rustling and banditry in Mandera East. The chapter further underscores the need for consolidating and harmonizing efforts by various stakeholders to complement one another in combating all crimes in general and cattle rustling and banditry in particular. The discussion is guided by the conceptual model of integrated approach to cattle rustling and banditry. The chapter highlights the contribution of major stakeholders and then seeks to chart the way forward in the integration of efforts of the mosque institution, NGOs, CBOs, FBOs and GoK. Some of the challenges of mosque institutions noted in chapter four are addressed in this chapter. The success of the mosque institution depends on the integration of the efforts with other stakeholders.

5.2 Diverse Approaches Involving GoK, NGOs, CBOs and FBOs in Mandera East

There are various approaches used by different institutions to mitigate against the effects of cattle rustling and banditry. They include relief food for displaced people, enhancing grassroot economic activities and providing spiritual nourishment. These approaches require transparency, accountability, promotion of positive moral values and good governance which is highly praised in Islam. A just governor is protected from all difficulties in the hereafter. People should live in a brotherhood atmosphere. All human beings are equal irrespective of colour and creed. Hence mutual relationship is encouraged through payment of “zakat” alms to the poor so as to cultivate respect. The Quran prevents disputes and instead promotes peace, kindness, unity, respect for
life, other people’s property and good neighbourliness, reconciliation of fighting parties and encouragement of justice and joint action. The Quran states:

And if two parties or groups among the believers fall to fighting, then make peace between them both. But if one of them outrages against the other, then fight you (all) against the one that which outrages till it complies with the Command of Allah. Then if it complies, then make reconciliation between them justly, and be equitable. Verily! Allah loves those who are the equitable. The believers are nothing else than brothers. So make reconciliation between your brothers, and fear Allah, that you may receive mercy (Quran 49:9-10).

The implication of these verses is that communities should co-exist in harmony. Any conflict should be addressed with immediate effect so as to reconcile parties involved. Justice should be upheld and any of the warring parties against reconciliation should be punished accordingly. This is because Islam encourages forbidding of evil and harmonization of efforts. Below, the Hadith adds to this voice:

The Prophet said, By the One in Whose hand is my soul! Either you command good and forbid evil, or Allaah will certainly soon send upon you a punishment from Himself, then you will call upon Him, but he will not respond to you (At-Tirmidhi Vol.4, P-229).

The above Hadith cautions against condoning immoralities and instead recommends good deeds. Those who condone evil deeds will face appropriate punishment. Muslim scholars and religious leaders try to exemplify the same Quranic and Hadith teachings as a way of encouraging fellow Muslims to uphold moral responsibilities in mitigating crimes related to cattle rustling and banditry. This is a strategy used by the mosque institution in disseminating religious teaching concerning the consequences of crime such as murder, rape, abduction and theft.

5.2.1 Efforts by GoK

The study noted that the GoK played a critical role in peace building and conflict management particularly those involving cattle rustling and banditry Hassan Husein, (Ol. 13-7-2010). The
government coordinates and facilitates activities that seek to address the cattle rustling and banditry menace. This is done through conducting of workshops, Seminars for religious leaders, sages, NGOs, initiation of small scale youth economic enterprises, carrying out border patrols, arming of homeguards among others. The government had also been handy in responding to cattle rustling and banditry issues in Mandera East. Among these activities were, operations by the security forces through the disarmament programme; establishment of rapid response mechanisms to combat cattle-rustling and banditry, disarming and facilitating dialogue between the communities raiding one another Abdrizak, (OI. 18-7-2010).

Nevertheless, it emerged that the government was yet to finalize a policy document on cattle rustling and banditry Alasow Mohamed, (OI. 23-7-2010). Still, sometimes the government may not give adequate financially support to curb cattle rustling and banditry activities in the district. Further, the government admitted that the use of force alone would not end cattle rustling and banditry Billow Abdinoor, (OI. 22-7-2009). As such, the government needed to network closely with other actors in getting to the root of the conflict and in designing appropriate response mechanisms. Human security calls for close collaboration between the government and communities. Other gaps included lack of vehicles and fuel for outpost stations (especially during rapid response activities to track, recover and return stolen livestock). Some of the Administration Police Posts are understaffed and ill-equipped with basic communication gadgets lacking Abukar Abdisitar, (OI. 21-7-2010); Billow Abdinoor, (OI. 22-7-2009).

The youth groups' representatives remarked that the government has made efforts to empower youth peace committees by providing financial support, registering youth groups and initiating
programmes to empower them. This has been done by the Ministry of Youth Affairs through the Youth Enterprise Fund (YEF) and Economic Stimulus Programme (ESP). The youths are given loans to start their own businesses. Other programmes include the National Youth Service (NYS) to train the youth for their future betterment and Mandera Youth Polytechnic to impart practical skills in youths Abdikadir Ismail, (Ol. 16-7-2009); Salah Dakane, (Ol. 30-7-2009).

The youth groups' representatives were also unanimous that the government normally organizes participatory programmes consultative meetings to enlighten the youths on cattle rustling and banditry. Such programmes helped in discussions on issues affecting the youth such as unemployment, involved the youth in development issues, conducted training on community policing, conducted workshops and encouraged peer counselling. As a result, the youth engage in productive activities instead of being involved in criminal activities such as cattle rustling and banditry Kassim Yussuf, (Ol. 16-7-2009); Adan Dariga, (Ol. 7-8-2009).

The youths pointed out that they were normally involved in peace declarations and banditry and cattle rustling inhibition programmes such as small scale youth enterprises. Billow Abdinoor, (Ol. 22-7-2009). They also indicated that they participated in enlightening the community on the effects of the practice. In addition the youth conducted peace meetings; sensitized other youths and women on peace building and equitable distribution (sharing) of scarce resources and organized meetings to empower youths to engage in productive activities. It emerged that they also sensitized others on the effects of stealing, announcing door-to-door the punishment of the act according to the Islamic principles; brought elders to establish peace; networked with religious leaders to avoid the vice; participated in mobilizing communities to achieve peaceful
co-existence and were invited to forums to discuss the consequences of cattle rustling and banditry.

Elders are important when dealing with cattle rustling and banditry because they participate in peace declarations at the mosque level, know the history of peace and traditional system, make periodic consultations on arising issues and are the first ones to be contacted in any dispute hence involved in the peace making processes Abdikarim Mohamud, (OI. 15-7-2009). Elders are also members of inter border peace committees and are invited to sit in the District Security Committee (DSC) during conflicts. The sages indicated that elders participated in government-led peace declarations and accords to stop cattle rustling and banditry Mursal Abdirahman, (OI-15-7-2009). Elders participated in inter-border committees on peace and security to iron out issues affecting the community and neighbours. Through such forums, the government sensitized them on the benefits of co-existence and gave them briefs on government policies. Some of the major accords and declarations included Garissa Peace Declaration, Wajir peace accord after the Ajoran/Dagodia War, in Mandera between Garre/Murule. The following plate 14 shows one of the rotational inter-district elders meetings which involve elders from Mandera East and their counterparts from Mandera West, Mandera Central, Wajir and Garissa administrative areas.
In situations of cattle rustling or banditry attack, the elders meet with the government officials especially the DSC to lay strategies towards peace. Still, just before the government implements major security operations, elders are at times called and given the opportunity to give their views on cattle rustling and banditry. They are also given the chance to mediate between communities at the grassroot level and once there is a truce, it is adapted as peace declaration. For instance, at one time the government collected ulama (Muslim scholars) countrywide to resettle Murule and Garre War and anyone who killed would pay blood money compensation of 100 camels. Umal Peace Accord (2005:3)

Most 9 (90%) of the GoK officials indicated that to prevent cattle rustling and banditry the government has put in place a number of measures while 1 (10%) thought that not enough measure were put in place. Most GoK officials reported that the government had put in place measures such as posting of enough security personnel in various police/administration
posts; creating peace committees through NGOs; organizing frequent meetings with neighbouring
Countries’ (Ethiopia and Somalia) administrations and initiating day and night patrols in the
towns and the countryside (Adan Dariga, (OI. 7-8-2009). The plate 15 below shows the provincial
administration holding a peace forum with Civil Society Organizations (CSOs) and other
stakeholders at Mandera Town.

Plate 15: The Provincial Administration Holding A Peace Forum With CSOs and Other Stakeholders at Mandera Town 17/8/2009.

Majority of the chiefs 9 (90%) indicated that the government has put in place measures to
prevent cattle rustling and banditry. Table 5.1 and Fig. 5.1 below illustrate the chiefs’ views on the
measures put in place by the government to prevent cattle rustling and banditry.

Table 5.1: Views of the Chiefs on Measures put in Place by the Government to Prevent Cattle Rustling and Banditry.

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The above information is presented in Fig. 5.1 below.
Figure 5.1: Views of the Chiefs on Measures put in place by the Government to Prevent Cattle Rustling and Banditry.

Table 5.1 and Fig. 5.1 show that majority of the chiefs were of the view that the government has put in place measures to curb cattle rustling and banditry in Mandera East.

Most 9(90%) of the GoK officials indicated that the government organized consultative planning for different stakeholders on cattle rustling and banditry. Only 1 (10%) had views to the contrary. Most GoK officials intimated that the government held and organized consultative meetings such as workshops, seminars and other forums with stakeholders (i.e. security officers, chiefs, peace committees, elders, youth groups, women groups) now and then. Examples of consultative meetings that the government organized include pastoralists’ workshops jointly with NGOs, peace elders meetings, clan initiatives on peace, among others (Jelle Dakane, Ol. 29-7-2009).

The government also supported other organizations to build peace keeping capacity among the
groups. Critics, however, argued that the meetings were normally organized but they had not been effective Abdinoor Abdullahi, (Ol.21-9-2009).

Most of the chiefs 9 (90%) indicated that the government normally undertake consultative planning for different stakeholders on cattle rustling and banditry prevention. Table 5.2 and Fig. 5.2 present responses from chiefs on whether the government organizes consultative planning for different stakeholders on cattle rustling and banditry.

**Table 5.2 Government Consultative Planning for Different Stakeholders on Cattle Rustling and Banditry**

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The above information is presented in Fig. 5.2 below.

**Figure 5.2: Government Consultative Planning for Different Stakeholders on Cattle Rustling and Banditry**
GoK officials were unanimous that the government, through representatives and funding, normally participates in peace declarations and accords which involve religious leaders. It emerged that the government normally meet, discuss and involve imams, sheikhs and other religious leaders in meetings and sought advice from the Council of Imams Seyyid Ahmed, (OI. 17-7-2009). The government also regularly supported and took part in peace elders meetings as well as in signing peace declarations, besides encouraging the same. The government supported and took a leading role in peace declarations and strongly recognized Muslim religious leaders.

Most (90%) of the GoK officials reckoned that the government had mechanisms to coordinate its peace and security initiatives through the District Security Committees, alongside those of local communities. Only 10% held views to the contrary. It emerged that the government initiated and organized at locational level community policing which were active in efforts to curb cattle rustling and banditry. Every location had put in place community policing committees (home guards) Mukhtar Billow, (OI. 12-7-2009). These efforts are supplemented by regular patrols in the areas prone to cattle rustling. Those opposed to government efforts noted that peace committees were there but they were not financially independent hence could not achieve much without government, NGO or CBO support.
Table 5.3 and Fig. 5.3 below show chiefs’ responses on whether the government had mechanisms to coordinate its peace and security initiatives alongside those of local communities.

Table 5.2: Chiefs’ Views on Government’s Mechanisms for Coordination of Peace and Security Initiatives alongside those of Local Communities

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Figure 5.3: Chiefs’ Views on Government’s Mechanisms for Coordination of Peace and Security Initiatives alongside those of Local Communities

The information is presented in Fig. 5.3 below.

The elders were unanimous that they participated in peace declarations and security programmes. During tribal conflicts or when there was a raid between communities, the elders mediated and participated in the signing of peace agreements. Adan Birik, (OI. 27-7-2009). For instance,
elders participated in the drafting and signing of 2005 Umal Accord, the Garissa and Modogashe declarations.

5.2.2 Efforts by NGOs, CBOs and FBOs

The finding of the study indicated that although the efforts of the above institutions were very vital among the communities there were clear indications of duplication of efforts. In Mandera East, interventions by civil society organizations in cattle rustling and banditry settlements involved NGOs, CBOs and FBOs. Civil society interventions focused on reconciliation and building new relationships amongst the warring communities to enable them coexist. Such activities included dialogue, negotiations, and problem solving workshops, information, education and communication. These had set precedence to the coexistence in places where livestock raids and counter raids were the norm in Mandera East Ismail Yussuf, (OI, 21-7-2010); Ibrahim Adan, (OI. 14-4-2010). The research findings indicated that there had been efforts to identify and strengthen structures such as peace committees and community policing that were conducive to peaceful co-existence Gessay Abdinoor, (OI. 14-8-2009); Sheikh Ahmed, (OI. 11-4-2011). As a result, civil society networks forums had emerged in areas prone to cattle rustling and banditry. The plate 16 below shows a workshop organized by CSOs at Mandera Guest House Conference Hall.
It emerged during the study that NGOs such as the COCOP, IIRO, AMA, (EAPG-K), MEDS, and NEMWS had been instrumental in assisting communities in Mandera East to work towards ending cattle rustling and banditry Abdulla Yussuf, (OI 20-7-2009); Sheikh Hussein, (OI 9-4-2011). Apart from efforts aimed at training opinion leaders, the NGOs had also worked with local organizations in developing early warning mechanisms. CSOs had been funding peace dialogues such as Umal Accord of 2005, lobbying the government to be more responsive and networking with communities to speed-up the policy development process such as creation of a relevant government ministry, initiation of mobile schools and health facilities that would among other things and once enacted, legitimize and fund cattle rustling and banditry prevention programmes and activities Bulle, Hussein, (OI 10-8-2010). Research findings indicated that COCOP has been in the forefront of fast-tracking the peace initiative implementation, welfare and security issues. Plate 17 shows the researcher meeting an official of the Consortium of Cooperating Partners (COCOP) in their office in Mandera East.
The study's findings indicate that CBOs are crucial because of their grassroots involvement in welfare, security and sensitization activities and peacebuilding. The study identified local CBOs whose objectives and activities were aimed at enhancing grassroots efforts in fostering security and combating cattle rustling and banditry namely WFPD, Mandera Elders for Peace, MYWO and Mandera East Peace Committee. It emerged from the study that CBOs used a range of community based strategies to address cattle rustling and banditry including dialogue, negotiations, lobbying for fundamental services such as education and health and problem-solving workshops. They further gave their views on the efficacy of the mosque institution to bolster existing government security measures and community based measures (bass Maalim, (OI. 9-8-2009; Dariga Adan, (OI. 7-8-2009).
FBOs such as SUPKEM, MEDS and NEMWS indicated that cattle rustlers and bandits should be punished according to the laws of Kenya (Abdididow Maalim, Ol. 20-7-2009). Some FBO representatives preferred that they be hanged or punished according to Islamic Sharia, that is, amputate them Abdinoor Abdullahi, (Ol. 21-9-2009). It emerged that most FBOs preferred that the culprits receive severe punishment as per the instruction of Islamic faith or maximum sentence in case secular laws were applied. They also intimated that the culprits should return stolen animals unconditionally. Besides, they suggested that cattle rustling and banditry should be entrenched in the constitution so that the culprits are put behind bars for life (i.e. life sentence). It emerged that there was need to provide other sources of livelihood to pastoral communities. Besides, the government should fight poverty which breeds violence. Apart from disseminating Islamic teachings (Quran and Hadith) the mosque institution should also focus on collection and distribution of alms to the poor and needy.

FBO representatives gave various suggestions on the best way to eradicate cattle rustling and banditry among Muslims in Mandera East. Some suggested that the community be sensitized on the need for clan-based boundaries be done away with, create awareness on sanctity of life, take children to school, institute Islamic Sharia, and give support to the mosque institution on capacity building to focus on mitigation of the adverse effect of banditry. Further suggestions called for supporting the youth financially by creating income generating activities; vocational jobs; holding sensitization workshops and seminars on peace, justice and harmonious co-existence. Others proposed establishing programs to change pastoral kind of livelihood; antitheft special force along the frontiers; invigorate adult education programs among the pastoral society and integrate cattle rustling in the curriculum.
Other strategies suggested include providing enough resources (e.g. water pans, boreholes); building polytechnics and technical colleges; arresting and prosecuting offenders; curbing drug and substance abuse; and building and funding more *dukis* and *madrassa*. People needed to be challenged to discuss and promote peace in the region through dialogue. There was also need to deal with infrastructural problems.

Generally, civil society initiatives formed the foundation upon which local conflicts involving cattle rustling and banditry had been addressed by both the government and communities. However, owing to poor co-ordination, civil society actors often engaged in duplication of efforts.

There seemed to be lack of coordination in as far as CSOs activities are concerned. As a result, many activities were duplicated and become short-lived. It emerged that most CSOs meetings were held in Mandera town, away from areas affected by cattle rustling and banditry and in the process brokered peace agreement were rendered unbinding to the affected communities. CSOs also seemed not to have realized the centrality of the mosque institution as one of the key actors in the cattle rustling and banditry conflict prevention.

### 5.3 Integrated and Proactive Approaches involving the Mosque Institution

The mosque institution is strategically located in all the inhabited parts of Mandera East. It represents the characteristics of a Muslim society. There are two perceptions to the concept of the mosque institution as being the house of God and Community development and welfare centre. Therefore integrated and proactive approaches bring together stakeholders under the umbrella of the mosque institution to work on the prevention of cattle rustling and banditry. Key
actors include the government, NGOs, CBOs, FBOs and the mosque institution. The integrated and proactive approach anticipates the situation exemplified in the conceptual framework of participatory and harmonization of efforts in Chapter Two. The plate 18 below shows participants at the Garissa declaration meeting attentively listening to the deliberations in 2005.

Plate 18: Participants at the Garissa Declaration meeting attentively Listening to the Deliberations in 2005

Source: Garissa Declaration (2005: 2).

The research findings indicate that the mosque institution is normally the first actor to early warning on the occurrence of cattle rustling and banditry and initiate response mechanism Hassan Dakane, (Ol, 14-7-2009). Therefore, the mosque institution is instrumental in addressing, prevention, combating and eradication of cattle rustling and banditry. The study established that in situations of cattle rustling and banditry, the first aid was usually in the form of relief supplies for the affected people. This took the form of food and non-food items to make living conditions
bearable before the conflict resolution process began. It emerged from the study that these efforts were coordinated by the mosque institution Mohamed Mohamud, (OI. 20-7-2010).

All the madrassa teachers 12 (100%) were unanimous that the integration of efforts of the mosque institution, government and other NGOs could help combat cattle rustling and banditry. It is possible since the religious leaders are respected and the public adhere to their advice and instructions. Mursal Abdirahman, (OI.15-7-2009); Abdikadir Abdulla, (OI.14-8-2009).

Therefore, integration is necessary to effectively curb cattle rustling and banditry. The government has a responsibility to the Kenyan people to protect their welfare (i.e. rule of law, security, among others) and reinforce and enforce the implementation of peace accords and declarations, NGOs and CBOs fund the process and provide economic assistance to the needy. The youth and village elders are the community’s voice and the religious leaders deal or mould the people spiritually and play an advisory role. Each has a valuable contribution to make and must be incorporated to work corporately as a team to curb the menace according to the madrassa Mukhtar Billow, (OI. 12-7-2009).

FBOs such as SUPKEM, MEDS and NEMWS are expected to closely liaise with the government in maintaining peace. FBOs are expected to condemn cattle rustling and banditry by preaching in the mosque during prayers and sermons. Mosque committees constantly monitor the security situation and call for intervention when the security situation is deteriorating Abdillahi Sheikh, (OI, 11-4-2010). The efforts of the mosque institution and the youth programmes can be integrated to bolster efforts geared at combating cattle rustling and banditry. The ulama of the
mosque networks with the youth leaders to detect the planning of cattle rustling and banditry incidences. The mosque preaching on desirable values help formulate right norms, create harmony and working relationships, reminding everyone of the punishment of Allah in the hereafter Abdille Billow, (01. 23-8-2009).

The government supports the mosque institution through frequent meetings with religious leaders such as sheikhs and imams who in turn preach through mosques. The government also invites religious leaders to public rallies, include them in all peace meetings and supports them financially to enable them preach peace and security. Sheikhs are allowed to preach to various gatherings without prior notice to the police so long as they uphold peace. Sometimes, they are given transport to go to villages. In attempts to foster integration involving efforts of the mosque institution, religious leaders are given the mandate to preach without a permit or government interference. Religious leaders are also invited to attend peace forums and community policing meetings. This is also made possible by organizing religious rallies where security personnel and NGOs are present.

Security matters cut across all stakeholders. All parties can combine efforts: the GOK implements the resolutions such as the Umal peace accord and the Garissa declaration; the NGOs facilitate the process of peace building, with funds and mobilization of the communities while the religious leaders do the spiritual preaching to reconcile conflicting parties Mohamed (Gedi, 01. 12-7-2010). The NGOs are further involved in relief distribution, and accommodation of displaced persons.
The following plate 19 shows the banner of African Muslims Agency (AMA) which deals with relief food, orphanage facility, students’ bursary, construction of mosques, digging of shallow wells (boreholes) and private primary and secondary schools.

Plate 19: The Banner outside the Office of the African Muslims Agency (AMA) in Mandera East – 16/8/2009

The African Muslims Agency (AMA) is a well recognized organization that funds the construction of mosques, employs Imams and manages madrassas in Mandera East. The organization has been instrumental in efforts geared at curbing cattle rustling and banditry.

It was also possible to integrate the involvement of various stakeholders in community based social programmes such as idd prayers hajj and marriage festivals among others thereby creating a strong bond of unity, boosting the morale of the locals and giving them the opportunity to explore and discuss development targets Yusuf Abdalla(01. 20-7-2009).
The efforts of the village elders who are respected because of their integrity and wisdom could be harmonised with the efforts of the religious and spiritual leaders in combating cattle rustling and banditry in Mandera East. This could be accomplished by empowering Mandera Elders for Peace through financial assistance to carry out sensitization forums at the village level; providing them with transport; giving them training and giving them the opportunity to air their views concerning contentious issues. The government could provide them with security and logistical support and involve them in its programmes. Integration efforts could be achieved by encouraging religious leaders to be members of elders’ peace committees Mursal Abdirahman, (OI. 15-7-2009).

The study established that the government normally organized programmes to enlighten elders on collaborative efforts in combating cattle rustling and preventing banditry. At the locational level, chiefs and assistant chiefs were helped by elders who were in turn given food aid, transport and training. It emerged that elders were normally involved in all government sponsored peace programmes. Sages were also used as resource persons during seminars, workshops and peace committees. They were updated on peace issues and government security operations and they were not subjected to permits.

On the other hand, CBO called elders for special seminars to enlighten them on how to settle matters concerning cattle rustling and banditry Abdikadir Sheikh, (OI. 16-7-2009). On their own, the village elders underscored the prospects of using the traditional systems of banditry prevention. This approach had the potential to reduce or prevent the vice and inform positively the peace situation among different communities. In the event of cattle rustling or banditry the
elders met and gave appropriate punishment based on past records. The system also used intermarriage to promote peaceful relations among different communities Hassan Dakane, (OI. 14-7-2009).

The study findings therefore indicated that each category of stakeholders carried out exclusive approaches to eradicate cattle rustling and banditry in Mandera East. The GoK, NGOs and CBOs mostly focused on using the village elders, the youth leaders and religious leaders separately to achieve their goals excluding other important stakeholders at any given time.

From the foregoing the mosque management committee was recognized as a key player in efforts to combat cattle rustling and banditry in Mandera East. These findings conform with the conceptual model of integrated approach to dealing with the issue of cattle rustling and banditry especially the critical roles by major stakeholders. These findings map the way forward in the integration of efforts of the mosque institution, NGOs, CBOs, FBOs and GoK.

5.4 Summary and Conclusion
This chapter has examined the diverse approaches such as peace meetings, workshops and seminars among others employed by GoK, NGOs, CBOs and FBOs and how they can be integrated in order to proactively and effectively combat cattle rustling and banditry in Mandera East. Their activities include maintaining peace and order, providing relief and facilitating development activities, facilitating grassroot economic activities and providing spiritual nourishment. It is apparent that due to the absence of a coordinating agency, actors often engaged in duplication of efforts. Accordingly, integrated and proactive approaches that bring together stakeholders under the umbrella of the mosque institution, because of its centrality and
respect it is accorded by all parties involved, could act as a suitable intervention in efforts geared at the prevention of cattle rustling and banditry in Mandera East.

The study noted that the mosque management committees are well respected by the community and are therefore an integral player in efforts to combat cattle rustling and banditry. Nevertheless, the success of the mosque institution according to the conceptual framework of the Islamic paradigm of peace depends on the input from GoK, NGOs, CBOs and FBOs. Accordingly, this study has established that an integrated and proactive intervention of curbing cattle rustling and banditry from an Islamic perspective under the umbrella of the mosque institution is the way to go. It emerged from the study that the mosque institution is critical in efforts to cumulatively consolidate and harmonize various stakeholders to create room for actors to complement one another in combating all crimes in general and cattle rustling and banditry in particular. In this regard the success of the mosque institution lies with the integration of efforts of the mosque institution, NGOs, CBOs, FBOs and GoK in combating cattle rustling and banditry in Mandera East. The next chapter gives the conclusion for the study.
CHAPTER SIX
CONCLUSION

6.1 Introduction
This chapter presents the summary of the main findings and observations, conclusions and recommendations on the role of the mosque institution in the prevention of cattle rustling and banditry in Mandera East. This study investigated the efforts of the mosque institution in combating cattle rustling and banditry in the district. The study further assessed the contribution and efforts of various stakeholders including the government, Non-Governmental Organizations (NGOs) and Community-Based Organizations (CBOs), in collaboration with the community and political leaders to curb the menace. The study was guided by the conceptual framework of the Islamic paradigm of peace on integrated and proactive intervention of Mosque Institution in prevention of cattle rustling and banditry in a harmonious collaboration with GoK, NGOs, CBOs and FBOs. The conceptual was derived from the Islamic paradigm of peace. The study relied on the data from secondary and primary sources. It also sought to recommend sustainable strategies of combating cattle rustling and banditry in Mandera East. The chapter finally has identified the areas that require further research.

6.2 Summary of the Main Findings
The study revealed that cattle rustling and banditry are a common phenomenon in Mandera East. This was observed by madrassa teachers, sages, officials of the youth groups, CBOs and NGOs representatives, religious leaders and the GoK officials. Illegal firearms often come in handy during the cattle raids.
The research findings indicate that the main causes of cattle rustling and banditry in Mandera East include socio-cultural factors particularly cultural milieu and inter-clan feuds; agro-ecological issues; political factors such as competition for political influence, boundary disputes and political disenfranchisement of nomadic communities. Other causes include socio-economic factors such as competition for scarce resources, poverty and economic constraints as well as commercialization of banditry. Besides, the study has cited the influence of civil conflicts in the Horn of Africa especially the influx of refugees. It has also cited proliferation of small arms, border conflicts and interference from neighbouring countries and socio-political instability in the Horn of Africa region.

It emerged from the study that the Holy Quran, Hadith and Muslim scholars have explicit provisions on the prohibition of cattle rustling and banditry (Quran 5:33). The findings of the study also indicate that thematic teachings gathered from activities of Muslim leaders emphasize on the prohibition of cattle rustling and banditry. Generally, Islamic teachings provide guidelines on how Muslims should relate with Allah and fellow human beings. They also advocate for appropriate punishment to be meted out on those who participate in cattle rustling and banditry. However, it emerged that Sharia law is not enforceable in Kenya. The Kenya Constitution and Statute Law safeguard human rights, protect private property and provide for appropriate punishment as per the local Kenyan situation against cattle rustlers and bandits. In view of that, Islamic teachings on the prohibition of cattle rustling and banditry concur with the Kenyan laws thereby shaping human relationships and social order in Mandera East.
The study established that the mosque institution undertakes a number of activities in its endeavour to curb cattle rustling and banditry in Mandera East. These activities include youth dialogue, positive behaviour change, peace caravan, religious roadside preaching, police dialogue, chiefs’ dialogue, inter-madrassa competition, rapid response initiatives and monitoring the implementation of peace agreements. This is done through monthly meetings and workshops and publication of monthly progress reports and trauma healing. The strategies the mosque institution use include religious advice, sermons and talk shops promoting good neighbourliness and peaceful co-existence, establishing and supporting peace committees, reconciling conflicting parties and enforcement of Islamic principles. Enforcement of Islamic principles by the mosque institution is expected to have some impact in Mandera East including reduced crime in society by acting as a deterrent to potential criminals. The mosque also advocates for peaceful co-existence, development and prosperity and help to console victims and forgive the perpetrators thereby help in building trust. Most importantly, it was observed that in some instances the mosque institution had helped to stop cattle rustling and reduced revenge and counter revenge by changing the attitude of the involved parties. The study further revealed that through efforts of Mosque institution most of the former cattle rustlers have reformed and some of the animals taken have been returned. Affected families have been provided with support. The Muslim institution has further facilitated in the drawing of peace accords, agreements and designing of compensation agreements.

The research findings indicate that despite notable successes, the mosque institution is faced by some challenges in its efforts to tackle cattle rustling and banditry in Mandera East. The challenges that respondents identified include (a) lack of coordination of efforts of various
stakeholders including GoK, NGOs, CBOs and FBO. This results in the duplication of efforts and the unsustainability of programmes, (b) political instability in Somalia that has led to proliferation of illegal weapons, (c) financial constraints since mosque committees have no source of funds to support their activities, (d) lack of means of transport and poor infrastructure, (e) poor logistics and other related services, (f) ethnicity and clanism, (g) lack of secular education among religious leaders, (h) conflicts between government laws and (j) lack of enforcement mechanisms of Sharia laws, and (i) the influx of refugees and criminals.

The study established that the success of the mosque institution lies with the integration of efforts of the mosque institution, NGOs, CBOs, FBOs and GoK in combating cattle rustling and banditry in Mandera East. According to the research findings, the consolidation and harmonization of efforts by various stakeholders creates room for actors to complement each other in combating all crimes in general and cattle rustling and banditry in particular.

The study concludes that the real causes of cattle rustling and banditry are varied and complex. They include natural factors such as harsh climatic conditions which make communities over-rely on pastoralism; death of livestock during prolonged draught and scarcity of pasture and water which become basis of conflicts among pastoralists. These factors are made complex by socio-economic, cultural, local, international and political factors as discussed in section 6.2 above.

This study found that Islamic teachings abhor social evils such as cattle rustling and banditry as enshrined in the Holy Quran and Hadith. Nevertheless, Sharia law however is not enforceable in
Kenya, like in most of the other secular states. The Kenya Constitution and Statute Law safeguard human rights, protect private property and provide for appropriate punishment as per the local Kenyan situation for cattle rustlers.

6.3 Conclusions
The study concludes that the mosque institution facilitates a number of formal and informal education and sensitization activities geared to addressing the causes and impacts of cattle rustling and banditry menace in Mandera East. These interventions include roadside preaching, peace caravans, dialogue with the youth, police and chiefs, positive behaviour change, inter-madrassa competition, rapid response initiatives and monitoring the implementation of peace agreements through monthly meetings, workshops and publication of monthly progress reports. The intervention strategies of the mosque institutions include religious advice, promoting good neighbourliness and peaceful co-existence, preaching, establishing and supporting peace committees, reconciling conflicting parties and enforcement of Islamic principles. Nevertheless, the mosque institution is faced by various challenges that include sporadic cattle raids and rustling, lack of enforcement mechanisms, lack of secular education among religious leaders, poor infrastructure, lack of funds, lack of relevant policy framework and most importantly lack of recognition and empowerment by the GoK.

6.4 Recommendations
This section provides the key recommendations to ameliorate the cattle rustling and banditry problem in Mandera East. Based on the understanding that no single factor or intervention could prevent or manage the conflict, the study recommends a combination of approaches and interventions that could play a significant role in pacifying the region namely:
1. Reviewing and demarcating administrative and grazing boundaries with the participation of the mosque management committees. This would address the recurrent cattle rustling and banditry in Mandera East.

2. Strategic peace dialogues and rapid response activities need to be supported as a priority intervention among the residents.

3. Harmonization of intervention approaches of different yet complimentary efforts by actors such as GoK, NGOs, CBOs and FBOs to avoid duplication of efforts.

4. Training and sensitization of grassroots GoK representatives and Civil Society Organization and agencies like NGOs, CBOs and FBOs on the important role the mosque management committees' play in efforts to curb cattle rustling and banditry.

5. Revisiting and reviewing previous peace declarations and agreements under the umbrella of the mosque management committees. Areas of concurrence with Islamic teachings and practices should be underlined.

6. Capacity building and empowerment of the leaders of mosque institution on cattle rustling and banditry management. In particular, skills of conflict mediation, resolution and trauma healing should be emphasized.

7. The mosque management committees should lead in disarmament efforts by mopping up illicit firearms in the hands of civilians and criminals. This can be done within the framework of the existing programmes in mosque institution.
6.5 Suggestions for further study

In the process of the study the insights gained indicated the need to carry out further studies on some critical issues that are related to challenges being encountered by people in Mandera East, Mandera County.

1. This study was confined to Mandera East. Scholars could attempt another study to cover other parts of Kenya affected by cattle rustling, banditry and inter-ethnic conflicts.

2. Research could be done on sustainable indigenous system of conflict management, mediation and resolution among the Somali pastoral communities in Kenya.

3. Research could be carried out on the ways of introducing sedentary agricultural practices among the Somalis who have for a very long time been fully dependent on pastoralism.

4. An investigation could be done to identify the possible methods of sensitizing the Somalis towards embracing the new insurance policies being introduced in the market to insure their livestock against theft and other risk such as drought and floods.

5. A study could be carried out on the relationship between cattle rustling and banditry on school going children drop outs among the Somalis of Garissa, Wajir and Mandera counties.
BIBLIOGRAPHY

Thesis


Journals


Kratli and Swift, 1999; “Pastoral Conflict In Kenya. A literature review. Undertaken under dfid contract CNTR 98 6863,


Books


Book Articles


Projects, Workshops And Conference Papers


Newspapers And Web Sources:

Daily Nation, August 28, 2008 “11 feared dead in gun battle”.


APPENDICES

A1: List Of Oral Informants
Period – Interviewed Between (July 12th 2009 – December 2010)

Category of Informants

<table>
<thead>
<tr>
<th>Sheikhs and Imams</th>
<th>Dates of first/second Interview</th>
<th>Place &amp; Location of Interview</th>
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<tr>
<td>1. Maalim Abdinoor Ismail</td>
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<td>19/7/2009</td>
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<td>4. Maalim Ibrahim Noor</td>
<td>12/7/2009</td>
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<td>5. Maalim Mukhtar Ali</td>
<td>14/7/2009</td>
<td>Central</td>
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<tr>
<td>7. Sheikh Abdullahi Abdinoor</td>
<td>21/72009/ 15/3/2011</td>
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<td>9. Sheikh Abdikadir Ismail</td>
<td>16/7/2009</td>
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<td>10. Sheikh Abdinoor Billow</td>
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<td>15. Sheikh Billow Adan</td>
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<td>17. Sheikh Khalif Maalikm Ismail</td>
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<td><strong>Members of Mosque Committee</strong></td>
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<td>5. Adan Brik</td>
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<td>6. Ali Hassan Haji</td>
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<td>8. Brik Aftir Haji</td>
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<td>9. Ibrahim Abdi Omar</td>
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25. Sheikh Abdulwahab 16/7/2009 Central
26. Sheikh Adan Mohamed 14/7/2009 Central
27. Sheikh Billow Mukhtar 12/7/2009 Central
28. Sheikh Dahir Kassim 15/7/2009 Fino
29. Sheikh Dakane Hassan 13/7/2009 Central
30. Zakaria Haji Hassan 17/7/2009 Central

**Madrassa Teachers**

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<td>Sheikh Juma Shurie</td>
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<td>12.</td>
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**Non-Governmental Organizations**

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<td>3.</td>
<td>Hassan Ismail (RED CROSS)</td>
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5. Mohamed Bulle Maalim (IIRO) 15/8/2009 Fino
7. Sheikh Abdisilar (AMA) 10/8/2009 Fino

**Community Based Organizations (CBOs)**

1. Abass Maalim (CORCOS) 9/8/2009 Central
2. Abdi Hassan Dinow (WFPD) 6/8/2010 Fino
3. Abdi Mohammed (MEPC) 5/8/2009/5/2/2011 Central
4. Adan Dariga (WFPD) 7/8/2009 Fino
6. Habiba International (MYWO) 8/8/2009 Central
7. Hussein Bulla Hawa (MEPC) 2/8/2010 Central
8. Ibrahim Hamud Idris (MEEPC) 3/8/2010 Fino

**Government of Kenya (GoK) Officials**

1. Abdi Khalif (security) 12/7/2009 Fino
2. Abdirahim Abdullah Allale 19/7/2009 Central
3. Chief Abdullahi Dakane 12/7/2009 Central
4. Chief Adan Noor (Elder) 15/7/2009 Central
5. Chief Allale Abdullahi 12/7/2009 Central
6. Chief Brik Aftin 12/7/2009 Fino
7. Chief Gadudow | 13/7/2009 | Central
8. Chief Jamal Haji Abass | 14/7/2009 | Central
9. H. Ibrahim Adan | 17/7/2009 | Fino
10. Maalim Adan Hussein | 16/7/2009 | Fino
11. Mohammed Abdalla Yussuf (DLO) | 19/7/2009 | Central
12. Mohammed Abdulla | 18/7/2009 | Fino
13. Yussuf Abdullah (Aba) | 20/7/2009 | Central

Youth Group

1. Abdi Didow (MEA) | 20/7/2009/ 7/2/2011 | Central
2. Abdi Omar Ali (Sala) | 15/7/2009 | Central
3. Abdiharim Mohamud (MEA) | 15/7/2009 | Central
4. Abdul Majid Khalif (MEPC) | 14/7/2009 | Central
5. Abdullahi Abdinoor (Garbaqoley) | 18/7/2009 | Central
6. Abdullahi Makey (Trader) (MEPC) | 12/7/2009 | Central
7. Adan Dariga (Sala) | 19/7/2009 | Fino
8. Adbinoor Dakane (MEPC) | 13/7/2009 | Central
9. Dakane Hassan (MEA) | 14/7/2009 | Fino
10. Disow Adan (Speak) | 15/7/2009 | Central
11. Kassim Yussuf (Kabo) | 16/7/2009 | Central
12. Mahad Omar (MEA) | 17/7/2009 | Central
13. Seyyid Ahmed Abdalla (MEA) | 21/7/2009 | Central
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Dear Respondent,

Research Questionnaire

I am conducting a research entitled, “The Role of the Mosque Institution in Prevention of Cattle Rustling and Banditry in Mandera East, Kenya”. You are kindly requested to fill in all parts of the questionnaire. Additional suggestions may be given in the blank spaces provided. I wish to follow up on this survey with focus group discussions at selected locations in Mandera East. The information sought is solely for the purpose of the research and will be treated with utmost confidentiality.

Thank You.

Mohamud Sheikh Ali

C50/CE/11127/06

Cell: 0720 284 935
### PART 1: General Information

1. What is your age bracket (Optional)?
   - 18-25
   - 26-35
   - 36-45
   - 46-55
   - 55 and above

2. Gender
   - Male
   - Female

3. Marital status
   - Married
   - Not Married
   - Widow/widower
   - No response

4. Highest education level?
   - None
   - Primary
   - Secondary
   - College
   - University

5. Religious affiliation

6. Present Occupation

7. Position/Designation

8. How many years have you served in this position?
   - Less than 2 years
   - Between 2 and 5 years
   - Over 5 years
(a) Questionnaire/Discussion Guide for Sheikhs, Imams and Mosque Committees

Part II

1. What is your position in the mosque?
   Imam [ ]
   Sheikh [ ]
   Mosque committee member [ ]

2. Name of your mosque

3. Is cattle rustling and banditry prevalent in Mandera East?
   Yes [ ]
   No [ ]

4. What are the main causes of cattle rustling and banditry in Mandera East?

5 (a) Has the Quran/Hadith put in place any measures on the prevention of cattle rustling and banditry?
   Yes [ ]
   No [ ]

(b) If Yes, what are they?

(c) What has been the impact of these measures?

6. (a) Does the mosque institution play any role in dealing with incidences of cattle rustling and banditry?
   Yes [ ]
   No [ ]

(b) If Yes, what role (s) does the mosque institution play?

7. Has the mosque institution made any successful progress in curbing cattle rustling and banditry?
   Yes [ ]
   No [ ]

(b) If Yes, what are they?

(c) What is the impact of these measures?
8. Does the mosque institution face any challenges in attempts to resolve cattle rustling and banditry?
   Yes [ ]
   No [ ]

(b) If Yes, what are the challenges?

9. The following statements are an expression on challenges faced by the mosque in attempts to curb cattle rustling. Each statement is a five-point scale from which you are requested to select your most appropriate feeling to the statement.

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<td>Disagree</td>
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<tr>
<td>Strongly Disagree</td>
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</table>

- (a) Non-recognition by the Government of Kenya and secular NGOs affects the central role mosques play in the prevention of cattle rustling and banditry.
- (b) There is lack of coordination of peace and security initiatives by the Government of Kenya.
- (c) Lack of forum to apply *Sharia* because Kenya is a secular state is a challenge to the effective functioning of mosques in curbing cattle rustling and banditry.
- (d) External factors such as the influx of international refugees and criminals increase the cattle rustling and banditry menace.

(e) Please give any other opinion on the reason for the challenges faced by the mosque on attempts to curb cattle rustling and banditry

11. Give your suggestion on the best way to eradicate cattle rustling and banditry among Muslims in Mandera East?
(b) Questionnaire for Madrassa Teachers

Part II
1. What is your position in the Madrassa
   Principal [ ]
   Secondary teacher [ ]
   Primary teacher [ ]
   Nursery/Pre-unit [ ]

2. Name your Madrassa ____________________________

3. Is cattle rustling and banditry prevalent in Mandera East?
   Yes [ ]
   No [ ]

4. What are the main causes of cattle rustling and banditry in Mandera East?

5 (a). Does the Quran say anything on peace, justice and security among citizens?
   Yes [ ]
   No [ ]

(b) If Yes, explain briefly .................................................................

6. (a) Does the mosque institution play any role in dealing with incidences of cattle rustling and banditry?
   Yes [ ]
   No [ ]

(b) If Yes, what role (s) does the mosque institution play?

7 (a). Has the mosque institution succeeded in curbing cattle rustling and banditry?
   Yes [ ]
   No [ ]

(b) If Yes, explain briefly .................................................................

8 (a). Does the mosque institution face challenges in its attempt at resolving cattle rustling and banditry?
   Yes [ ]
   No [ ]

(b) If Yes, what are these challenges? ................................................
9. What are your views on prospects of the mosque institution in curbing cattle rustling and banditry in Mandera District?

10. (a) What kind of punishment should be meted out to cattle rustlers and bandits?

(b) Can the integration of efforts of the mosque, government and other NGOs help combat the menace of cattle rustling and banditry?

   Yes [ ]
   No [ ]

(c) If your answer is Yes, how can the efforts of the mosque institution, government and other NGOs be integrated to effectively combat cattle rustling and banditry in Mandera East?
Part II

1. What is the name of your organization?

2. What is your position in this organization?

3. Is cattle rustling and banditry prevalent in Mandera East?
   - Yes [ ]
   - No [ ]
   b. If yes, explain briefly.

4. What are the main causes of cattle rustling and banditry in Mandera East?

5. What are the effects of cattle rustling and banditry in your development programmes in Mandera East?

6. What strategies do you use to address the challenging reality of cattle rustling and banditry?

7. In your opinion has the government put any measures in place to curb cattle rustling and banditry in Mandera East?
   - Yes [ ]
   - No [ ]
   b. If yes, explain briefly.

8. Is the proliferation of illegal arms a problem in Mandera East?
   - Yes [ ]
   - No [ ]
   b. If yes, explain briefly.

9. What is the government doing to deal with the proliferation of illegal guns?

10. What efforts are being put in place to prevent bandits from crossing over from neighbouring countries to Kenya?

11. To what extent have you integrated issues of security and cattle rustling and banditry prevention in your development initiatives?

12. What are the prospects of integrating your initiatives within the framework of the mosque institution to bolster existing measures aimed at curbing cattle rustling and banditry?
(d) Questionnaire for CBO Officials

Part II

1. Name of your organization?

2. What is your position in this organization?

3. Is cattle rustling and banditry prevalent in Mandera East?
   Yes [ ]
   No [ ]
   b. If yes, explain briefly.

4. What are the main causes of cattle rustling and banditry in Mandera East?

5. What is the impact of cattle rustling and banditry on socio-economic development of Mandera East?

6. What community based strategies are adopted to address the problem of cattle rustling and banditry?

7. What are your views on the effectiveness of the mosque institution to boost existing security measures and community based measures?

8. Is the proliferation of illegal arms a problem in Mandera East?
   Yes [ ]
   No [ ]
   b. If yes, explain briefly.

9. What is the government doing to deal with the proliferation of illicit guns?

10. What efforts are being made by the GoK to prevent bandits from crossing over from neighbouring countries to Kenya escalating the cattle rustling and banditry situation?

11. To what extent have you integrated issues of security and prevention of cattle rustling and banditry in your development initiatives?
12. Does the mosque institution have any social programmes intended to enhance discipline and harmonious co-existence among the communities in Mandera East?
   Yes [ ]
   No [ ]

b. If yes, explain briefly.

c. What are the possibilities of integrating such programmes within the framework of your initiatives of security measures?
(e) Questionnaire for Government Officials

Part II
1. What is your designation in the government? ________________

2. What is the most prevalent crime in Mandera East?

3. How common is cattle rustling and banditry in Mandera East?
   Very Common [ ]
   Common [ ]
   Not common [ ]
   Don’t know [ ]
   b. Briefly explain your answer.

4. What are the main causes of cattle rustling and banditry in Mandera East?

5. What challenges are posed by persistent cattle rustling and banditry in Mandera East?

6. How do you normally respond to such challenges?

7. In your opinion has the government put in place any measures to prevent cattle rustling and banditry in Mandera East?
   Yes [ ]
   No [ ]
   (b) Explain briefly.

8. Does the government organize consultative planning for different stakeholders on cattle rustling and banditry?
   Yes [ ]
   No [ ]
   (b) Explain briefly.

9. Does the government participate in peace declarations and peace accords which involve Muslim religious leaders in Mandera East?
   Yes [ ]
   No [ ]
   (b) Explain briefly.
10. Has the government put in place proper mechanisms to coordinate its peace and security initiatives alongside those of local communities?

Yes [ ]
No [ ]

(b) Explain briefly.

11. Is the proliferation of illegal arms a problem in Mandera East?

Yes [ ]
No [ ]

(b) If Yes, explain briefly.

12. What is the government doing to deal with the proliferation of illegal guns?

13. In what ways does the government support the mosque institution in its efforts to deal with cattle rustling and banditry?

14. (a) Is it possible to integrate the efforts of the mosque, GoK and other NGOs in combating cattle rustling and banditry in Mandera East?

Yes [ ]
No [ ]

(b) Explain your views briefly.
(f) Questionnaire for Youth Group Officials

Part II
1. What is the name of your organization? 

2. What is your position in this organization? 

3. Is cattle rustling and banditry prevalent in Mandera East?
   Yes [ ]
   No [ ]
   b. If Yes, explain briefly.

4. What are the main causes of cattle rustling and banditry in Mandera East?

5. Do you actively participate in combating cattle rustling and banditry in Mandera East?
   Yes [ ]
   No [ ]
   b. If Yes, explain briefly.

6. What efforts has the government put in place to empower youth peace committees?

7. (a) Does the government organize participatory programmes to enlighten the youth on cattle rustling and banditry?
   Yes [ ]
   No [ ]
   (b) If Yes, explain briefly.

8. How are the youths involved in peace declarations and banditry/cattle rustling prevention programmes?

9. Does the mosque institution have any social programmes intended to enhance harmonious co-existence among the communities in Mandera East?
   Yes [ ]
   No [ ]
   (b) If yes, explain how it can be integrated with the efforts of the mosque and the youth programmes in combating cattle rustling and banditry in Mandera East?
Part II

1. Is cattle rustling and banditry prevalent in Mandera East?
   Yes [ ]
   No [ ]
   b. If Yes, explain briefly

2. What are the main causes of cattle rustling and banditry in Mandera East?

3. What efforts has the government made to empower existing peace committees such as Mandera Elders?

4. Does the government organize programmes to enlighten elders on collaborative efforts in cattle rustling and preventing banditry?

5. (a) Do elders participate in peace declarations and security programmes?
   Yes [ ]
   No [ ]
   (b) If Yes, name them
   (c) Explain briefly.

6. What punishments are meted out to cattle rustlers and bandits?

7. Are you aware of the roles of the mosque institution in the prevention of cattle rustling and banditry in Mandera East?

8. What are the efforts and challenges of the mosque institution in curbing cattle rustling and banditry in Mandera East?

9. How can we integrate the efforts of the religious leaders in combating cattle rustling and banditry in Mandera East?

10. What efforts are being made by the government to prevent aliens from crossing over from neighbouring countries to Kenya thus escalating cattle rustling and banditry situation?

11. What are the prospects of using traditional systems of banditry prevention along with the mosque institution to curb the practice?
<table>
<thead>
<tr>
<th>Activity</th>
<th>Observation</th>
</tr>
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<tbody>
<tr>
<td>1 Frequency of cattle rustling and banditry meetings</td>
<td></td>
</tr>
<tr>
<td>2 Membership/attendance of cattle rustling and banditry meetings</td>
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<tr>
<td>3 Punctuality during cattle rustling and banditry meetings</td>
<td></td>
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<tr>
<td>4 Procedure at cattle rustling and banditry meetings</td>
<td></td>
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<tr>
<td>5 Follow up of main activities at cattle rustling and banditry meetings</td>
<td></td>
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<tr>
<td>6 Community views before, during and after cattle rustling and banditry meetings</td>
<td></td>
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<tr>
<td>7 Alertness during cattle rustling and banditry meetings</td>
<td></td>
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<tr>
<td>8 Commitment to cattle rustling and banditry prevention accords and strategies</td>
<td></td>
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<tr>
<td>9 How resolutions are arrived in dealing with incidences of cattle rustling and banditry</td>
<td></td>
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<tr>
<td>10 Community views on effectiveness of mosque institution in combating cattle rustling and banditry</td>
<td></td>
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</tbody>
</table>
A4: Kenya: Provincial Boundaries Showing the Location of Mandera East

Source: Mandera District Development Plan, RoK (2002-2008.3)
A5: Mandera East Administrative Boundaries

Source: Mandera District Development Plan, RoK (2002-2008.5)
A6: Glossary

Al- Munkar - An action disliked
Al-Ma'ruf - An action accepted in Islam
Farad - An obligated action such as five daily prayers
Firgri - A poor household
Hadith - A collection of the Prophet Muhammed’s (PBUH) sayings, actions and approval
Haram - An action which is forbidden and is punishable by law and incorporates criminal activities such as adultery, rape and murder, among others, which are characteristics of cattle rustling and banditry acts
Hudud - It is a restrictive ordinance or statute of Allah concerning lawful unlawful acts and things.
Id-Ul- Fitr - A celebration at the end of Ramadhan
Imam - From the Sunni perspective this is a Muslim religious leader who leads other Muslims in prayers in mosque(s) teachings in Islam and works closely with the mosque committee while among the Shia, he is a religious leader of Muslims who is a descendant of Prophet Muhammad (PBUH) believed to be sinless and pure.
Jamaah - A congregation
Kadhi - Muslim religious leader who is in charge of interpretation and the application of tenets of the sharia (Islamic jurisprudence).
Khutba - The sermon given in the mosque.
Madrassa - A school where Islamic education is provided
<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
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<tbody>
<tr>
<td>Manyatta</td>
<td>Protected village</td>
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<tr>
<td>Masjid</td>
<td>Mosque (Islamic place of worship)</td>
</tr>
<tr>
<td>Mubah</td>
<td>An action accepted in Islam but with no reward</td>
</tr>
<tr>
<td>Muezzin</td>
<td>A prayer caller</td>
</tr>
<tr>
<td>Mustahab</td>
<td>A preferred action with reward attached to it</td>
</tr>
<tr>
<td>Ramadhan</td>
<td>The Islamic ninth month when fasting is obligated</td>
</tr>
<tr>
<td>Salm</td>
<td>Peace.</td>
</tr>
<tr>
<td>Sheikhs</td>
<td>Muslim religious scholars also referred to as Ulama. They teach and sensitize the Muslims on religious ideals, sharia and other fundamental principles in the Quran and hadith. An elderly respectable person can also be referred to as sheikh.</td>
</tr>
<tr>
<td>Shiftas</td>
<td>Armed Somali bandits</td>
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<tr>
<td>Ulama</td>
<td>Muslim Religious scholars</td>
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<tr>
<td>Umal Accord</td>
<td>A locally-produced peace accord between Garre and Murule stating the compensation dues by both communities, plans for repatriation of displaced, plans for discussions on sharing pasture lands, release of captives arrested during conflict, which was signed by elders from both sides.</td>
</tr>
<tr>
<td>Umma</td>
<td>The community of faith in Islam.</td>
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<td>Zakah</td>
<td>Alms</td>
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