

## **‘Inter’ and ‘Intra- Generational’ Conflict on Environment: Kenyan Perspective**

**Julius K Sholle, Thomas Otieno Juma**

MOI University, Department of History, Political Science and Public Administration;

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### **Abstract**

The paper seeks to gain a deeper insight on an impending conflict on unsustainable use of environment in Kenya. The generation of the day seems to extract more from the environment with little regard to Mother Nature and future generations. These acts of threat directed to the environment are contrary to the guiding principles of sustainable development, thus contradicts ‘inter’ and ‘intra’ generational principles of environmental sustainability. Environment management in Kenya has experienced a number of setbacks owing to the detachment of locals from conservation, and insufficient awareness on how to manage environment. Further, the government policies on environment sometimes conflict with the locals’ principles that are traditional in nature and which if incorporated may serve a great deal in the management of environment. The paper seeks to answer the following questions; what are some of the causes of conflict on environment? How can sustainability in environment be achieved? What are some of the African traditional approaches in environmental conservation? Are taboos still viable in the management of environment? And finally, is it high time we start ‘protecting’ and not ‘managing’ environment and its resources as captured on Kenya’s lead National Environment Management Authority (NEMA)? By looking at two cases, this paper highlights two situations; The Katuk- Odeyo gulley erosion, a representation of a hidden conflict and the Mt. Elgon land case, an example of a full blown conflict on environment.

**Keywords:** Inter-generation, Intra-generation, Totem, Policy, Conflict, Environment, Security

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### **1. Introduction**

‘Inter’ and ‘intra-generational’ terms were first used by the Brundtland commission on what came to be known as the Brundtland commission report (WCED, 1987). The report speaks for sustainable development which justifies the need to make developments that meet the needs of all the generations. The terms denote generational relationship between people of the same and across generations. Inter-generation refers to the relationship in terms of resources within the same generation while Intra-generation on the other hand, represents a relationship on the same dimension between people of different generations. The relationship in this sense simply refers to the natural resources found on the earth’s surface whose usage must be subscribed to the ‘dictates of humanity’

In regard to this paper, the authors borrowed the two terms to try and decipher the conflict on environment involving the same and across different generations. The conflict is complex and poses a grave concern that warrants urgent measures in order to salvage the future generations. Actually, the conflict ranges from land, water, atmosphere, climate, and sound, biological factors of animals and plants among others.

### **2. Background**

Whereas the human race would always speak when faced with challenges so that they are heard, others wonder whether environment speaks. Nature often speaks as man does but in similar manner this is ignored by the very beneficiary of its depository- man. International Institute for Sustainable Development underscores the fact that connections between environmental issues and conflict are many and complex. Environmental factors themselves are rarely, if ever, the sole cause of violence. But natural resources and other environmental factors are linked to violent conflict in a variety of ways often obscured by more visible issues, such as ethnic tension and power politics (www.iisd.org). They suggest that

most conflict prone areas of the world today have environmental issues. Quickly they point, ask an ecologist and a security analyst to name those countries of gravest concern, and although their points of departure differ, their lists would look remarkably similar: Afghanistan, Bangladesh, Democratic Republic of Congo, Haiti, Iraq, Pakistan and Somalia, among others.

The government of Afghanistan began to recognize environmental problems in the 1970's with the help of the United Nations and other international agencies. The pressures of the war, however, have diverted attention from these issues and further aggravated the country's environmental state. In just one generation, the Afghan people have seen many of their basic resources, such as water for irrigation, trees for food and fuel, lost. There is no modern garbage disposal center to digest the garbage produced by some 5 million people in Kabul or recycle factories in Kabul and other big cities. There is no chemical factory or plant in Afghan cities that produce carbon dioxide or other gases. However, burning tires in brick kilns, public baths, battered roads, congested streets, smoke emitting from vehicles and poor forestation campaign have been contributing to the polluting environment (Ahsan, 2012), reports.

The same report confirms that ancient writings and archaeological evidence show that once rich areas of forest and grassland have been reduced to stretches of barren rock and sand. Like almost everything in Afghanistan, the environment too has been the victim of three decades of war. As the war is still lingering, no significant attention is being paid to resolve Afghanistan's environmental problems. In this sense, conflict on environment is begun and sustained by man’s own violence and its deterioration is a supervised activity of man through intention or neglect.

On similar conflicts, in DRC (formerly known as Zaire), Anup Shah observes its description by some as Africa's First World War. Shah continues to note that there have been a number of complex reasons, including conflicts over basic resources such as water, access and control over rich minerals and other resources as well as various political agendas. This has been fueled and supported by various national and international corporations and other regimes which have an interest in the outcome of the conflict (Shah, 2010).

According to Slack (2003) several Islamic rebel groups on the island of Mindanao in the predominantly Roman Catholic Philippines have been engaging in armed conflict with government forces over the past three decades. Tensions over the exploitation of the island's resources and the economic disparity between Muslims and Christians go back centuries and existed under both the Spanish and American periods of colonization, but the armed separatist movement began at the beginning of the 1970s. The conflict has strong roots in the question of control over natural resources, especially land but also mining, timber, oil, gas, and fishing resources. Slack (2003) and Nye (1982) agree that indeed the environmental issues related to the separatist conflict on Mindanao are primarily the source problems. Natural resources and their contestability are centrally pertinent to Mindanao's conflict. The distribution of control over Mindanao's various resources is at the root of the poor economic condition of the population the rebel groups claim to represent.

### **3. Statement of the Problem**

Threat to environment seems eminent in many parts of Kenya and whatever the cause and how they manifests, they lead to conflict on environment which then leads to conflict from environment. Environmental sustainability is good for both inter-generations and intra-generations. Though much emphasis on conflict issues have surrounded people relations, it is true some conflicts and substantially long stretched ones emanate from conflicts on environment. The study focus of conflict on environment looks at Katuk Odeyo – Gulley erosion of Nyakach Sub-County and Mt. Elgon conflict concerns. Whereas, the latter one is already visible and is still unresolved, the former looks non-existent but with vast visible deterioration on environment. Passively though imminently the paper interrogates whether environmental concerns attribute to inter and intra generational concerns.

### **4. Significance of the Study**

The inter-link between environmental change, natural resources, and security is great in the world today just as it has been in the past but because of growing number of populations and changing policies towards resources, industrialization, increase in intensity of search for new resources, and indications that new resources are being found in non-suspected areas, and the fact that the world is no longer remote to its players, 'the states', globalization therefore anticipates these kinds of conflicts diametrically reduced to make the world habitable for all in all generations. For this reason, this study is a crucial need of general awareness and to understand by world citizens and environmental stakeholders globally for transmission to policy-makers and practitioners.

### **5. Methodology**

This study employs a qualitative approach by relying heavily on literature by other scholars in building its discussion. At the same time, the use of some environmental cases in Kenya helps develop the concept/thought 'conflict on environment'. By independently highlighting the cases and capping sub-themes, the authors underscore the subject necessity to readers and policy makers.

The study employed extensive literature review of books, journals, internet searches, policies, legislations, and picture shots relevant to the topic.

### **6. Contextual and Theoretical Frameworks**

We do acknowledge that some conflicts are actually informed by factors beyond human control but that shouldn't be a concrete reason to threaten other and future generations. A social phenomenon like poverty for instance, is a major cause of the conflict but shouldn't be used as a blank cheque to instigate conflict. Conflict in the Kenyan scenario is extreme and this can be testified by the presence of authorities, policies and legal frameworks established deliberately in order to restore if not to ensure environmental justice.

The paper is guided by the conflict theory associated with Karl Marx (1818-1883) which develops from the idea that generations are ever in competition with one another for what they perceive imperative to their survival- power and resources. The theory advances from three major premises that acknowledges the fact that society is comprised of different groups that compete for resources; secondly, that the dispute is a social attempt to portray a sense of cooperation, a continual power struggle exists between social groups as they pursue their own divergent and competing interests; third, social groups will use resources to their own advantage in pursuit of their own goals, even if it means taking advantage in pursuit of their own goals over other group of people.

On the basis of this theory, one finds that even the outward threat that resources are likely to decimate will most often create great conflicts especially where strong cultural ties exist like in Africa. This is due to the fact that it may force cross-generational migrations against many cherished values.

#### **6.1 Intra-generational conflict on environment**

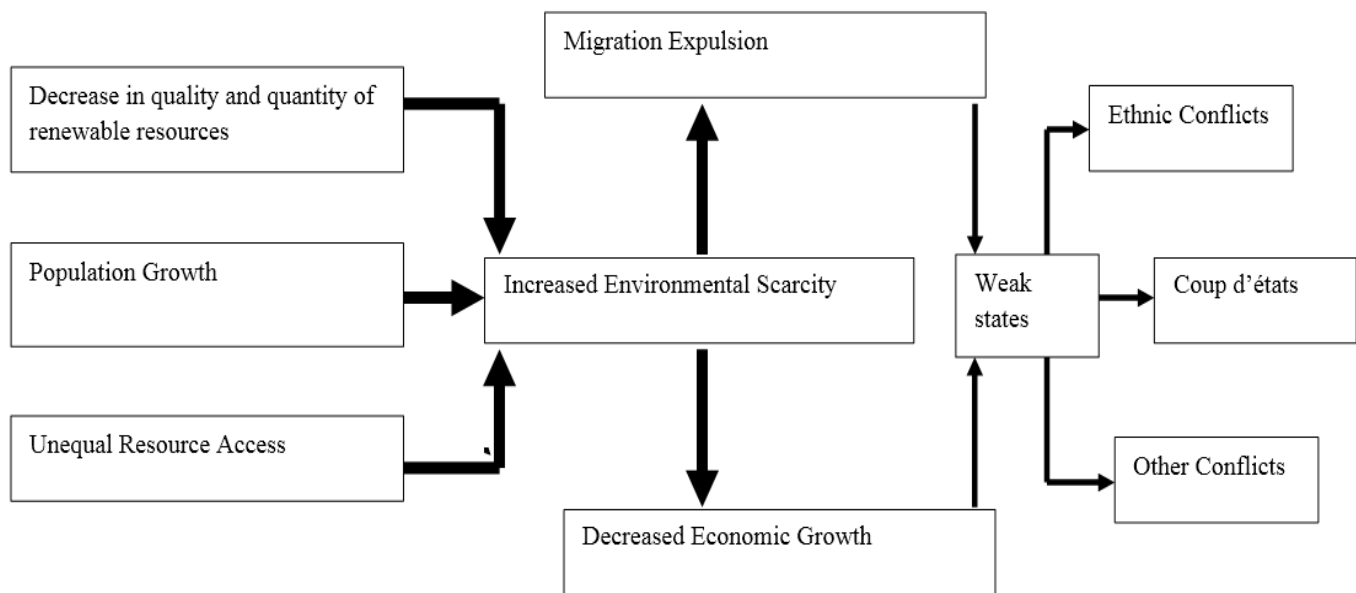
Wallenstein (2007) points out that conflict refers mainly to three things, incompatibility, action and actors which bring about a situation involving two parties striving to acquire at the same moment in time an available set of scarce resources. Major conflicts in Africa for instance, are linked to environment that have at times, catapulted into violent crimes accounting for war-related deaths as well as forcible transfer of masses, making Africa 'a continent of war with itself' Adedeji (1998). The discourse on environment and conflict can be looked at from a multifaceted angle with numerous factors contributing to the fore-mentioned. They are understood as being complex and interrelated in nature. Natural resources still remain a key source of conflict in most developing nations, where the political and economic ambitions gets the life support. Warren Christopher on his speech quoted by Mathews (2000) recognizes the fact that, most developed countries consider natural resources as critical facets for political and economic stability and attainment of strategic goals across the globe. This is no rocket science to third world countries and African specifically; they too depend on environment for both political

and economic mileages. This goes without notice as for instance, most Kenyan presidential campaigns have slotted in land issues among other natural resources as convincing elements to win support from the populace. Environment still remains a major conflict contributor especially in countries endowed with massive mineral deposits and other natural resources such as forests among others. Conflicts in the great lakes region for example, despite other factors such as the human nature and society, environment still remains a major cause for violent conflicts. Just as pointed out by Magstadt in his theory ‘three broad factor’, the human

nature, society and environment are the three broad factors associated with conflicts. The conflict has revolved around mostly the renewable sources of energy and its perceived scarcity as what brings about the disagreement. Homer Dixon and BLitt (1998) models of environmental scarcity clearly shows the link between the renewable resource scarcity and the conflict as interrelated.

## 6.2 Homer Dixon and BLitt model on renewable resource scarcity and conflict

**Toronto Project Model of Environmental Scarcity Sources of environmental scarcity social effects**



**Source:** Homer-Dixon in Deudney and Matthews (Eds) 1999

Homer-Dixon contends that environmental scarcity will inform more conflicts in the future as population and per capita resource consumption rates shoots up. The key findings by Toronto’s research (Matthews & Leah, 2002) are;

- Scarcities of renewable resources such as cropland, freshwater and forests lead to civil violence and stability.
- That environmental scarcity is caused by the degradation and depletion of renewable resources and their unequal distribution. They argue that the sources of conflict interact and reinforce one another.
- Resource marginalisation reinforce environmental scarcity and raise potential social instability
- Unsuccessful social adaptation leads to environmental scarcity which in turn blinds economic growth.
- Absence of adaptation, environmental scarcity sharpens existing distinctions among social groups
- Intermediate social effects of environmental scarcity including constrained economic productivity, population movements, social segmentation and weakening of institutions and state can in turn cause ethnic conflicts, insurgencies and coup d’états

The model basically illuminates on the conflict situation in the developing countries mostly found in Africa.

The conflicts in the Great Lakes Region for instance, can be linked to the inability of governments of the day to manage what may be the root causes of these conflicts. The current

scenes in DR Congo and Central African Republic can be the cases in point. Too much politics on these resources warrants it to interplay in both the conflicts and the political economy of any given state. The conflict in DRC for instance, among the three major causes of conflict is the environment which has been brought about by sharp divisions among those parties involved. Some see the natural and mineral Acts as formations aimed at secluding them. It is alleged that since the invasion of Rwanda and Uganda in 1996, they have been appropriating wealth for themselves in collaboration with other proxy forces. The 2008 UN report document the systematic appropriation and looting of Congolese resources by Rwanda and Uganda. The current M23 offensive that began on April 2012 when 300 former National congress for the defence of the people (CNDP) led by Ntangada is linked to the natural resources found in the DR Congo. The UN (2012), report cites that Ntangada controls several mining operations in the region whose proceeds are used to finance the M23 operations. The money comes from tin, tungsten and tantalum looted from the Congo mines. This exposes how natural resources promotes ‘intra-generational conflict’

Rwanda likewise suffers from this; tensions are ever mounting between different groups over the scarce resources and of course the state of mistrust created as a result of the genocide. The environment factor played a key note in shaping the genocide. What started as incitement by the politicians over the

possession of land from the Tutsi finally became an object of lasting conflict that met the threshold of genocide (IRIN 2002).

### 7. Kenyan scene

Conflict on environment especially inter-generational is well pronounced. This has been as a result of the economic uncertainties occasioned by economic decline. The decline in economy has forced people to extract more from the environment in order to ensure that the life 'fly wheel' still rotates. The environmental resources in Kenya present a delicate balance that any disturbance in the equilibrium will definitely bring about a conflict situation. The delicate nature of the issues surrounding environment as a whole is unpredictable and that is why the Kenya constitution (2010) and several other legislative provisions captures environment and land in order to proactively deal with any upcoming environmental conflict. Article 42, clause (a) of the Kenyan constitution gives every person the right to have the environment protected for the benefit of present and future generations through legislative and other measures as contemplated in article 69 of the same chapter. The state therefore has the responsibility of ensuring that all the people within her territory live in a secure environment for the well-being of both inter and intra-generations.

Environment in Kenya is also cited as among the underlying causes of conflict as they play a significant part in shaping the welfare of any society. It is a crucial element in the Kenyan society as it dictates the direction of the social spheres notably; political, social and economic institutions. Needless to say, the political, social and economic well-being of Kenya as an agricultural country solely survives on ecological resources including minerals, oil, timber, productive pasture and farming land without forgetting the flora and fauna. The connection between the resources and conflict according to Alao (2007) can be dated as far back as human settlement. It cannot be separated especially in developing countries where natural resources are seen as "curses".

From the words of Ochola (2006) we get the narration of some existing facts on Katuk Odeyo Gulley erosion in Agoro East and Jimo East of Nyakach District/Sub-County. The narration is here below;

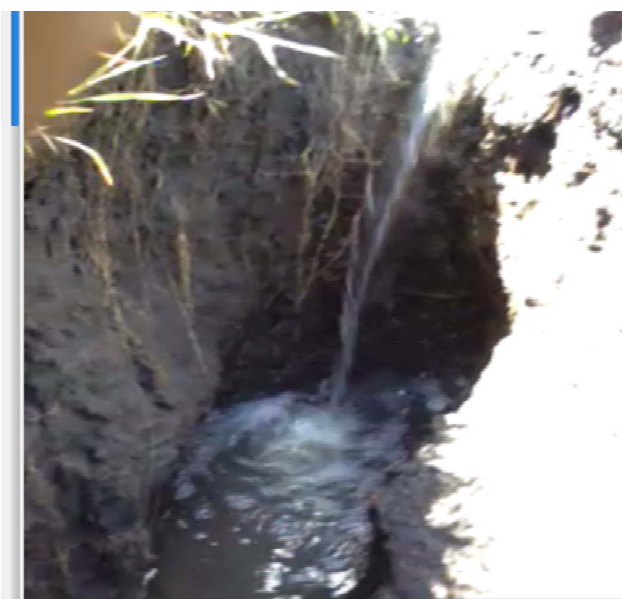
Katuk Odeyo gulley in Lower Nyakach in Nyando district is a phenomenon. The valley of death is a terminal scar. It could be the most devastating in Eastern Africa. Stretching 40 km, the giant gulley looks scarring in this vast Nyando basin. Mzee Gilbert Nyang'acha Okal says the gulley started forming in 1940 near Thurgem Secondary School and has spread uphill, defying control efforts by scientists and engineers. "I have lost six cows and my home is about to be destroyed by the devil. Two graves have been swept away. I cannot access my home through the gate anymore," laments Okal. Now, many villagers are scared, says Jesker, adding that three people have died after falling into the gulley of death. He says farmers in the area have given up farming after the erosion of the fertile topsoil. Part of that area is called Nyalil Buch, meaning green for nothing. The gulley traverses Jimo East location and some of its tines reach as far as the slopes of the steep Kericho highlands. Katuk Odeyo has attracted scientists from all over the world, while many students have earned 'undeserved' degrees trying to find solutions to the catastrophe. Some pictures of how the valley begins and builds due to rains is shown below;

### 7.1 Case I: Katuk Odeyo Gulley Erosion in Nyakach Sub-County, Kenya



Source: Wara, Dickens O. (2014), Videos.

**Fig 1:** How the Valley Begins



Source: Wara, Dickens O. (2014), Videos.

**Fig 2:** Water falling on the Progressing end of the Valley



**Fig 3:** The Maturation and Spreading (3 Slides)



Source: Wara, Dickens O. (2014), Videos.

The photos may not show the clarity on the ground but it depicts the cancerous neglected latent environmental conflict. It is both 'inter' and 'intra' generational because of some of these statements captured from some members of the society who didn't want to be named;

*"I do not want to be forced by my dad to stay in a place that always degenerating, I can't think of building a decent house and expect it to survive, even if I did, how will I reach there when all two access points are ever cut. This is meant for people who have to walk even if thorns prick them a thousand times" (Anonymous 1).*

*Anonymous 2 said; I have no choice to be here, my husband and his people have decided to die in this place so I can't think of building a decent house anywhere even if I wanted"*

There are many others silently nursing this environmental disaster with a wait and see what next. They opt to wait and plan as events unfold.

The World Bank and the Global Environment Facility (GEF) has disbursed Sh200 million to promote tree planting and sustainable agricultural practices to regenerate the scarred landscape. The programme is coordinated by the Western Kenya Integrated Ecosystem Management Project under the

auspices of Kenya Agricultural Research Institute (KARI). Project coordinator, Dr. George Ayaga, said local experts have been dispatched to the Nyando basin to identify appropriate indigenous strategies to rehabilitate the gullies since extraneous technologies have had limited or no success. In the face of such a problem, how mitigations should be arrived is another issue in addition to what kind. In other areas approaches have created more problems than solutions. FAO, 2009 and Laosuksri, 2013, argue that the human unfriendly approaches from Western organizations that provided financial and technical support further deteriorated forest cover in Thailand. In as much as other actors will want to alleviate this kind of disaster, there is need of assessment of approaches to solutions.

Harold Ayodo captures villagers' sentiments on the "Valley of Death" after the East African Standard feature by Ochola (2006) records; Mr Clement Kotonya, a resident, says: "The gully has caused so much pain and suffering that you cannot dismiss those who see it as a curse. Scientists have failed to unravel its mystery." Villagers in the flood-prone district say they suffer sleepless nights during the rainy season when the gullies, shaped like crater lakes, are on the prowl.

The expected conflict lines arising from this kind of environmental disaster are numerous. In Juma, Barenzi, and Oluoch (2012), conflict does not begin on the day people hold weapons against each other. Conflict conditions are set. As incompatibilities of goals among erstwhile peaceful individuals continue then conflict exist. It can be added that already conflict exists because people here are deprived use of their precious property-land (a natural resource) and no sign in other's lifetime do they foresee any future from it. This is a sign of shattered aspiration. The only probably remaining outcome is violence. The paper therefore prods all involved stakeholders to action.

According to residents in the above articles, as docile and as remote the problem may look. As lack of serious attention by government continues, a problem of that magnitude that affects almost half of a constituency/sub-county is no environmental issue to neglect. Many of the residents confirm that up to late 1980's it was not as serious as it is. Gilbert Nyang'acha Okal, a resident says "the road infrastructure from Store- Pamba used to be a short cut route to Kericho and to Nairobi by buses which is no more. We are now left to crisscross paths into peoples' gardens." The use of other people's land as new paths which later turn into water paths is an expected line of conflict to those who want to be protective of their land and path seekers.

A state's deprivation of right to property is a condemned omission of duty. As in Art. 40,3 (Constitution of Kenya, 2010), this can happen where no effort is visible on the part of a government in addressing a property issue at hand. Failure on her duty is neglect of duty to protect. In Art. 42 Kenya's constitution stipulates a general right to environment protected for present and future generations. However, since late 1980's, when Katuk Odeyo gully started became a valley of death, this right seems denied. Furthermore, it has proceeded to infringe Art. 43 which deals with economic and social rights of people of Agoro-East and Jimo-East. How? The highest economic and social through use of property and attainment of satisfaction from a property. When economic factors; individual/collective and environmental are in harmony. The case of Katuk Odeyo like others in this paper portend a serious threat that needs redress and legal remedies as it continues (Art. 70). The villagers argue that the Government, having failed to protect

them from the rapacious Katuk Odeyo, should resettle them elsewhere and give them some form of compensation.

The conflicts on environment worsen when some forms of alienations become evident. This sentiment is shared by (OJJTR, 1992; Oluwadare, 2013) who see militancy as the highest stage of alienation from social reality. Their assertion reflects what is on the ground. A grave environmental cancer like this cannot exist in people's habitation where governments whose primary mandate are its peoples' livelihood. The area affected is almost half Nyakach Sub-County which has a population of 133,041 persons (GOK, 2009; www.infotrackea.co.ke/08/06/2014).

The Katuk gully erosion menace needs to be addressed from a conflict and political perspective because; when a natural occurrence affects people and their habitation, it affects their propensity to make wealth. Knowing that an individual's destroyed land is never transferable to other parts of the district, we are soon experiencing migration issues, Internally Displaced Persons (IDPs), poverty, social deviances and health hazards, hideouts and spiraled crime given that the area 'borders' Luo and Kipsigis corridor where livestock theft has been a threat. In fact, such a place needs to be more opened up economically and infrastructurally circuited for crime to be managed. This problem as it seems should be a national disaster. Taken lightly that people can lose almost a stretch of 40km by 1km land is no small incident. Is the area sensible in economic sense to a population of about 60,000 people?

Without development, there can be no enduring peace-yet peace and justice are not only fundamental human aspirations but cornerstones of sustainable development (United Nations, 2013; Orodho *et al*, 2013). Indeed, not only development but people's proper use of their time which is necessitated by the environment in which they live.

Inter-generational conflict in Kenya can be viewed from different fronts depending on the perceived cause of conflict. The major factors informing the perennial conflicts in Kenya include the following;

## **7.2 Case II: The land conflict in Mt. Elgon**

Land is a major factor of production in Kenya and hence inevitable. Chapter five of the Kenyan constitution (2010) clearly points that land in Kenya shall be held, used and managed in a manner that is equitable, efficient, productive and sustainable, and in accordance with the principles set out by the same constitution. Actually, Kenya being a country whose economy is determined a great deal by the agricultural sector definitely will have a stronger attachment to land than any other resource.

According to the NASEP sessional policy paper (2011), agriculture is the mainstay of Kenya's economy currently contributing to 24% of the GDP directly, and another 27% indirectly. The sector also accounts for 65% of Kenya's total exports; provides more than 18% of formal employment: 70% of informal employment in rural areas and provides livelihood for close to 80% of Kenyan population NASEP (2011). This together with the cultural dimension amalgamated to land proves beyond doubt the value bestowed by most Kenyans to land.

Land as a resource in the African context cannot be detached from conflict. It basically remains a source of conflict in Kenya and it's due to what Deininger (2003) refers to as the inadequacy of the formal institutions that were simply

introduced to replace the traditional structures without clear demarcation of responsibilities and competencies.

Findings by Takashi Yamano and Klaus Deininger (2005), about land conflicts in Kenya link several factors as causes of land conflicts. They opine that most conflicts are border related occurring with neighbours or relatives who live close by and inheritance which exclusively occurs among relatives. As you will note in the above case of Katuk Odeyo, land as a special economic resource is under serious deterioration. What is not known is at the end of time who will claim it? Will government own it? And if so why? Will the coming generations know exactly what their ancestral lands are if no remedy is found today?

For the Mt. Elgon case documented as the worst conflict that ever occurred on the mountain, the situation was horror and this forced the government to launch an onslaught against the militia under on what was dubbed "Operation Okoa Maisha".

The mountain basically is inhabited by the Sabaot people who are the majority. The Sabaot sub-tribe comprises of the two main clans; the Mosop and the Soy. Resettlement has been a main concern for the government for a long period of time, precisely since 1960's. It was meant to create close proximity between the Mosop clan and the state services. They were deep inside the forest where provision of such services was obviously impossible. The other concern was the need for the government to protect the water catchment area that the Mosop had inhabited. Due to these concerns, the government came up with series of resettlement programmes in order to safeguard its interests. The first phase of resettlement was the Chepyuk 1 (1971-1974). The resettlement was never successful as the process suffered from ill preparation, lack of title deeds and corruption. This forced the government to abort the programme in favour of a second phase in the Chepyuk (1980's) and finally the Chepyuk 3 (1993-2006) which marked the genesis of troubles in the mountain. The initial processes were peaceful till almost the completion stage when politics started being hegemonic over everything coupled with the feeling of segregation by those not receiving land. This resulted in armed resistance by soy's against the evictions from what they believed to be their own land in favour of the other clan. KNCHR report blames the conflict to corrupt practices by those charged with the responsibility of resettlement. They are local administration, councillors, MP's, chiefs and local land officers. It led to the formation of the infamous SLDF that reigned terror among the locals.

### **7.2.1 Water and pasture**

Kenya is a water scarce country and estimated that the country receives 354-billion m<sup>3</sup> of rainwater annually and an annual potential underground water of about 619million m<sup>3</sup> (GoK, 2005), points the fact that livestock production in Kenya accounts for 26% of the total national agricultural production and over 70% of the country's livestock and 75% of wildlife are in the ASALs. Moreover, pastoralists generally rely on water and pasture for their livestock. They attach a higher degree of dependency on the pastures and water to the extent that it becomes a matter of death and life. This speaks volumes as to why pastoral communities at times go the "barrel way" when their interest is at stake.

The pastures and water in Kenya launches an endless debate between pastoral communities. It greatly features among the same generation by virtue of competition for the scarce

resources dictated by the unpredictable weather conditions. Pasture and water conflicts are prone in ASALs and between the Kenyan frontiers with either Ethiopia and Uganda. Indeed it is a perennial problem that has always resulted in loss of lives. Away from the pastoral world, water conflict attracts also international dimension as well as the local. In the international scenes, pacts and treaties have dominated in the quest for threatened peace between warring factions especially the States. For example, the treaty between Kenya and Ethiopia would easily demystify the value attached to it. Acts have been put in place in order to control acquisition and control of water resources. For example the Water resource Act 2002 clearly provides for the management, conservation, use and control of water resources and for acquisition. An audit of its success proves that little if none at all has been achieved.

### **7.2.2 Flora and fauna**

Present a platform for conflict among members of the same generation. They basically refer to the factors of plants and animals respectively which have suffered extensively from commercialization. Indecencies in consumption of the products from both the fauna and flora have brought the interests of members of same generation at loggerheads. The wanton destruction of forests with little consideration for others impacted a lot on sectors that symbiotically rely on forests for instance the agricultural sector. Despite the adoption of the forest Act aimed at articulating the interests of everybody, still the conflict can be seen especially between the haves and the have nots. The 'haves' who are mostly close to power have been blamed over the destruction of forests conserved by locals.

The forest sector has a strong linkage to other sectors of production with direct impact to the economy. It produces intermediate products and services for the industries and goods for household consumption. In UNEP (2012a) report "Kenya integrated forest service", the reports shows clearly the extent to which deforestation has been rampant with adverse effects felt by the common "wananchi". For example, in the 10 year period of (2000-2010), deforestation in Kenya's water towers amounted to an estimated 50000ha. This impacted negatively on the general supply of water due to encroachment to water catchment areas such as the Mau complex forest, Mt Kenya and Mt Elgon among others.

The fauna faces the same challenge and this has been worse by high demand of wildlife resources by countries such as china, Thailand among others. This has promoted the illegal business of wildlife products creating a conflict between those who treasure wildlife and those making profits out of the products. In 2013 alone, the number of elephants killed is shocking and one wonders if at all there exist any legal provisions or policies protecting the wildlife. Is the wildlife Act 2012 only good on paper or what?

In the Citizen news (Monday, 12 august 2013), it was clearly brought to the attention of Kenyans the high level of poaching in the country. The estimated number is around 190 elephants and 35 rhinos lost to poachers since the beginning of the year. This is a crazy direction in regard to the Kenya economic dependency on tourism sector.

### **8. Inter-generational conflict on environment**

It refers to the conflict between members of different generations over resources from the environment. The conflict may either be the conflict between the current generation and

the previous generation or even the current and the future generation. For the purpose of this context, the paper will try to foresee some impending conflicts between this current generation and the future generation.

Several legal provisions and even the supreme law of land-constitution; have captured wholly on the need for sustainable utilization of available resources, but little is felt from this. For instance, Kenya constitution (2010) chapter 5 article 69, vests the power of ensuring sustainable exploitation, utilisation, management and conservation of the environment and natural resources to the state. It therefore warrants state intervention to ensure that the coming generation also benefit from the same resources. This and much more has also been captured in several Acts among them the wildlife Act, water Act, Forest Act among other Acts.

In respect to these Acts and legal provisions, the symptoms of conflicts ever occurring between the current and future generation appears real, hence an 'inter-generational conflict'. The variables that may inform an intergenerational conflict are;

### **8.1 Flora and fauna**

These are critical variables that may bring about an 'inter-generational conflict' on the environment? The current generation's consumption is a deadly indication of an environmental conflict involving the two generations. The consumption rate among other things is evident that we offer little consideration on others who may also wish to survive from the same. The plants have also been endangered by high dependence on plant products that may be in the form of herbs among others.

Wanton destruction of forests, illegal poaching and game meat, and unsustainable use of water resources for instance confirms that 'inter-generational conflict' is inescapable if sound decisions will never be articulated. Losing a total of 190 elephants and 35 rhinos in a span of eight months convinces someone that other generations may live only to hear stories that jumbos at one time were part of Kenya's wildlife.

### **8.2 Natural resources**

This is a major concern across the globe as conflicts are centred on the access to and control; the resources include minerals, oil and gases among others. Within the same generation, delineation of access and use rights may build up a fully fledged conflict.

In the context of inter-generational conflict, it is important to point out that unsustainable exploitation of natural resources will by all means trigger an inter-generational conflict. It is therefore prudent for the current generation to ensure that the natural resource exploitation is maintained under the maxims of 'intergenerational equity'.

In Kenya, several policies and legal provisions have actually been put in place to ensure that the natural resources are utilized with utmost consideration of the coming generation, the foresaid acts include the water Act, mining Act, forest Act among others. The audit points little success.

### **9. Legal, Policy and Institutional Frameworks' Guarding Environment**

Kenya has a good number of policy papers and legislations that spreads across different resources and sectors. Likewise, institutions charged with the responsibility of ensuring environmental issues are dealt with are also in place to ensure

resource allocation and regulation of effects of resource exploitation. Some of these provisions are;

### **9.1 Kenya constitution (2010)**

The Kenya constitution (2010) captures the obligations in respect of the environment. Article 69 for instance provides that the state shall eliminate processes and activities that are likely to endanger the environment and to ensure sustainable exploitation, utilisation and conservation of environment. Other environmental provisions are also found within the constitution, this are found in chapter 5, under environment and natural resources and chapter 10 under judicial authority and legal system.

The constitution provides that every person has a duty to cooperate with state organs and other persons to protect and conserve the environment and to ensure ecologically sustained development and use of natural resources. It also allows the establishment of systems of environmental impact assessment, environmental audit and monitoring of the environment. All these are aimed at ensuring that environment is conserved with the utmost goal of preventing conflicts between actors of generations.

### **9.2 Kenya Forest Act 2005**

This is an Act of parliament that provides for establishment, development and sustainable management including conservation and utilisation of forest resources for socio-economic development of our Country; the forests play a vital role in the stabilisation of soils and groundwater that in turn support the conduct of reliable agricultural activity without forgetting the crucial role on water catchment.

The Act gave birth to the Kenya Forest Service (KFS) and formulates policies and guidelines for management, conservation and utilisation of all types of forest areas in the country. Its core mandate involves managing all state forests and provisional forests in consultation with the forest owners. The service also protects forests in the country within the confines of the Act which include promoting capacity building in the forest management and conservation, drawing up management plans and collaborations with other stakeholders. The Act also empowers KFS in the enforcement of law and regulations touching on logging, charcoal and other activities involving forest utilisation pursuant to other written laws.

### **9.3 Environment Management and Coordination Act 1999 of Kenya**

The Act is the key environmental law in the country that seeks to coordinate the protection of the environment within the territory for sustainable environment; The Act provides for harmonisation of 77 sectoral statutes which address aspects of the environment. Section 3 of the Act for example points the fact that “every person has the right to a clean and healthy environment and has the duty to safeguard and enhance the environment. This provision underlines the need for healthy utilisation of environmental resources while considering the needs of the coming generation.

### **9.4 Kenya National Environmental Management Authority**

The National Environment Management Authority (NEMA) was established under EMCA No. 8 of 1999 as an instrument of government that implements all policies relating to the environment. This is actually a government Parastatal,

established to exercise general supervision and coordination over all matters relating to environment management. The authority is charged with the responsibility of ensuring that there’s coordination between various environmental management activities undertaken by lead agencies. NEMA also advises the government on legislative and other measures for management of the environment and implementation of relevant international conventions, treaties and agreements deemed to be healthy for environment security.

NEMA has established several environmental offences that relate to inspection, EIA, standards, hazardous wastes, materials, chemicals and radioactive substances among others. In extension to coordination role, the authority is quite instrumental in the enforcement of international environmental law.

### **9.5 Kenya Water Act 2002**

Is an Act of parliament that provides for the management, conservation, use and control of water resources and for the acquisition and regulation of rights to use water; to provide for the regulation and management of water supply and sewerage services. The Act defines water resource as any lake, pond, swamp, marsh, stream, watercourse, estuary, aquifer, artesian basin or other body flowing or standing water, whether above or below the ground. The Act strictly points that every water resource is vested in the state, subject to any rights of user granted by or under the Act or any other written law.

The water Act 2002, provides for establishment of the water resource management authority (WRMA) that is corporate with perpetual succession and a common seal and shall have power in and by its corporate name to sue or be sued and in exercise and performance of its power and functions to do and permit all such things as may lawfully be done or permitted by a body corporate in furtherance of its objects. The adoption of integrated water resource management plan implied a significant milestone in conserving the water resource. The plan operates in the river basin and catmint areas where they focus on promoting the coordinated development and management of water, land and related resources to ensure equity.

Water conflict is a common social problem in Kenya. The most noticeable conflict breakout in Kenya is seen in and between communities over the resource or where its availability has threatened the human survival. The conflict prone areas in Kenya are Machakos, Molo River, and North eastern part among others.

### **9.6 Kenya Wildlife Act 2012**

The Act is cited as the wildlife conservation and management Act, 2012. It applies to all wildlife resources on public, community as well as the private land.

The state has power vested in by law. The state ensures that the wildlife is protected, conserved and managed on behalf of the people of Kenya as provided by the Act. It further clarifies that wildlife management and conservation will be exercised in accordance with the principles of sustainable utilization to meet the benefits of present and future generations.

A round of applause to our law makers after a new bill meant to put an end to poaching was tabled in parliament recently. The wildlife conservation and management bill 2013 has already been published and before parliament awaiting approval. When fully operational, the bill will enhance the fight against the endangered species by stiffening the penalties meted on



offenders. For instance, section 79 quotes that “any person who commits an offence in respect of endangered species or in respect of any trophy of that endangered or threatened species shall be liable upon conviction to fine of not less than ten million shillings or to imprisonment of not less than fifteen years or to both such fine and imprisonment.” other significant take off are the merger of KWS, AP and GSU to form anti-poaching unit-“Elite inter-agency Anti-poaching unit”.

## 10. Why Conflicts?

One can't help wondering over this? That despite the numerous policies, legal and institutional frameworks conflicts between and within generations still exist.

The promulgation of the constitution (2010) and subsequent Acts and policies could mean that most conflicts are put at bay, but this is not the case. Although significant achievements have been made, somebody can strictly argue that much still needs to be done. It is true that existence of law doesn't mean that conflicts are solved but the threshold matters a lot by the fact that conflicts should be limited by the presence of laws, policies and institutional framework. The fore-mentioned strategies in place are the wildlife Act, Forest Act, Water Act, constitution (2010), EMCA 1999, NEMA among others are geared towards limiting the conflicts as much as possible if not total eradication. So what exactly do we blame for the continued environment conflicts?

### 10.1 Causes of Conflict on Environment

According to Ahsan, 2012; Shah, 2010; and others in this paper agree that conflict on environment more or less is caused by;

- man's own violence,
- supervised activity of man through intention or neglect,
- conflicts over basic resources such as water, access and control over rich minerals and other resources,
- intermediate social effects,
- governments' inability to manage obvious root causes,
- political agendas, and
- fuelling and support by various national and international corporations and other regimes
- others

The case of copper mining in Bougainville illustrates the role that resource degradation from pollution can play in the destabilization of a community, resulting in conflict. The copper-rich island came under exploitation in the 1960s, by the international company Bougainville Copper Ltd, which operated the Panguna mine. The operation of this mine became central to the violent uprising and civil conflict that took place between 1988-1997, which left 70,000 people displaced and led to the island receiving a degree of political autonomy (Böge, 1992).

In the UNEP (2011) report, the case of oil contamination in the Ogoniland region of the Niger delta is another example whereby extensive and severe environmental pollution from oil extraction and transport is a major source of conflict between local communities, Government authorities and the main oil operator. Covering around 1,000 km<sup>2</sup> in Rivers State, Ogoniland has been the site of oil industry operations since the late 1950s. The region has a tragic history of pollution from oil spills, oil well fires and oil theft coupled with artisanal refining by residents. As a result, this region has a history of tensions and conflicts between people, government agencies and the oil

industry characterized by a lack of trust, paralysis and blame, set against increasing poverty of local communities and increasingly degraded natural resources including land, mangroves, drinking water and fisheries. After decades of negotiations, recriminations, initiatives and protests, the parties to the conflict have failed to agree on how to address the legacy of oil contamination.

In some cases of conflict on environment, water privatization and pricing without community consultation has caused a real commotion to daily living. As per Shiva (2002), in October 1999, the Bolivian Congress passed the Drinking Water and Sanitation Law, allowing privatization and ending Government subsidies to municipal utilities. After closed-door negotiations, the Bolivian Government signed a \$2.5 billion contract to hand over Cochabamba's municipal water system to Aguas del Tunari, a multinational consortium of private investors, including a subsidiary of the Bechtel Corporation. Aguas del Tunari was the sole bidder for the privatization of Cochabamba's water system. The contract covered 40-year concession rights to provide water and sanitation services to the residents of Cochabamba. Soon after Aguas del Tunari took over the water services in Cochabamba, claims surfaced that water rates in that city went up an average of about 50 percent and that even the collection of rainwater was being made illegal as a result of the privatization contract. In response to these price increases, an alliance of the citizens of Cochabamba called (the Coalition in Defense of Water and Life) was established in January 2000. Through mass mobilization, the alliance shut down the city for four days.

Among causes falling on 'others' category that may be mentioned because they are linked to many developing states include;

#### 10.1.1 Operational insufficiency of institutions involved

Operational deficiencies among the institutions involved in environment conservation and management poses a great challenge in ensuring that environment security prevails at all time. In case in point is NEMA with its established environmental police unit with only ten officers who are headed by an inspector of police. This number is too small and can't really serve the entire country in carrying out investigations, prosecution and security to environmental inspectors. In addition, 120 environmental inspectors in enforcement work across the country is simply 'water under the bridge' ([www.nema.go.ke](http://www.nema.go.ke)). Operational deficiencies can also be seen where some institutions completely lack or have limited prosecutors. This forces the institutions involved to heavily rely on police officers for prosecution duties. David k. Deborah and Donald (2009) monograph 166 points that prosecution at NEMA is still a “major challenge because courts seem not to manage environmental cases.” They quoted a backlog of 40 pending cases with those determined suffering from legal inconsistencies. They further pointed prosecution complexity to Kenya Wildlife Service where for instance, distinguishing bush meat or trophy from normal meat is hard without a forensic laboratory.

#### 10.1.2 Corruption

Needless to say, corruption is rampant and a culture in Kenya. The urge fired by greed of crime and corruption intercepts the energy directed in conserving and managing environment. The key public servants have always been accused of meddling with

the Kenyan natural resources and this got a warning after Hon. President of republic of Kenya, Uhuru Kenyatta gave out a speech during the national leadership and integrity conference saying “that the government will not tolerate corrupt public officers.” Hopefully, this might be a warning that could give a stop on the rampant corruption menace in the country.

### 10.1.3 Public awareness and community participation

There’s still a wide gap of awareness among the public. This has been a blow to environment management and conservation in Kenya since environment problems cannot be dealt singlehandedly by government. The need therefore arises for a closer linkage of the public to environment governance and management. This is important since the public are the ones at the root of both causes and solutions of environmental problems. A point driven home is the Rio Declaration on Environment and development of 1992 which enshrines public participation in its 27 principles. A score point is principle number 10 that posits that “environmental issues are best handled with participation of all concerned citizens at the relevant level.” In Kenya we don’t rule out that participation and awareness have not been done, we simply say that much need to be done especially through the local outreach, media and classroom education.

### 11. Conclusion

Environment management and conservation is pivotal to any society that considers security an important ingredient for development. Conflicts have wider linkages in their emergence and occurrence. There are those emanating from power struggles and a bigger majority which are linked to environment (social and economic conflicts). Whichever category, they can be inter and intra- generational. Inter and intra generational conflicts though not confined to issues of environment will often also emerge when environmental issues are not given adequate attention that they require. Once awareness has been created; and incorporation of belief systems in policies and legislative frameworks put in place, then both the existing intra-generational conflicts and impending intergenerational conflicts can be averted.

### 12. Recommendations

This study attracts certain recommendations which can be helpful in other scenarios where conflicts on environment issues are at stake.

Very important yet most often ignored due to modernization are incorporation of traditional values in conflict management. It can be attributed to a reality that many in societies today might not even know what methods are there apart from the generics perpetuated by the globalization effects which portray western values superior especially to a generation that would rather listen to objects/devices than old resourceful persons amongst the society.

Indeed very instrumental. The inhabitants of Mt. Elgon who are the Sabaot strictly owe the existence of certain animal species to totems. The Sabaot have totems or “tiondo” commonly referred to as the clan symbol identified by an animal which no clan member could eat or kill. In addition, the totems are believed to be things that watches over or assists a group of people such as a family, clan or tribe. Although the origin is mixed up, others believe that it relates to the period when the gods were threatened by giants and they hid under the guise of

animals. (Caldecott et al. 2005 and Hens, 2006) emphasises on the need to incorporate traditional knowledge systems when developing species conservation and management strategies. They pointed that the great apes survival was due to the belief systems attached to them. For instance the Sabaot clans with conspicuous totems are; Kapchebet clan- “Sabuteet” (porcupine), Kapkeben clan-“Keneriet” (squirrel), Kapnyeket clan-soet (buffalo) and Kapserek clan-pang’ang’et (hornbill) among others. Surely, when such beliefs are firmly amalgamated into environmental policies and strategies, total protection of environment will be achieved.

Secondly, there is need to having engagements with local populace frequent enough on what concerns the environment. This will trigger awareness thus promoting participation. Participation may also be enhanced through incentives to those people who are friendly to the environment; this may come in the form of rewards. Engagement with the populace could also mean the devolution of environment management and conservation down to the grassroots level. Let the villages have their own environmental committees or sheriffs whose main work will encompass ensuring that environment is managed and conserved for the present and future generations.

The Katuk gulley erosion probably portrays lack of engagement of local people early enough as it escalates, aloofness of political class and government administration to spearhead the problem, the silence of the elite from using pen and paper to speak to the bigger caring world, and the ingenuity of the NGOs in socio-economic transformation of this area. How can one think of rural development in such an area when the major factor is disappearing slowly but surely? When erosion is a trigger to forceful immigration and internal displacement? It is surprising that amidst all these rot, the residents say they have seen three different representations in form of Members of Parliament (MPs) come and go, currently a fourth representative for the constituency is in office. In addition to this, three presidents have ruled the country that is including the current one. However, it is understandable that during Moi’s regime, a big effort was hatched to reclaim the area but towards the regimes sunset interests changed.

The third way involves, prejudice diffusion. There’s this notion that the poor are the ones who are harsher to the environment than anybody else; this is a misconception by fact that everyone has direct contact with the environment. Whereas the poor carelessly while in a colony have such a great potential because of violence to the environment, the rich guided with policies and commercialised profit interests cannot compare to the destruction by the poor/low class.

A fourth recommendation that is likely to help conflict on environments is encouraging governments to play their roles effectively over socio- eco- political needs of its citizens. We may also suggest that the need to address root causes to conflict on environment will be imperative to avoidance of emergency situations. Finally, political responsibilities are fundamental. This will undo neglect and biased agenda setting.

### 13. References

1. Adedeji A. comprehending and mastering African conflicts: the search for sustainable peace and good governance, zed books, London, Ed. 1998.
2. Ahsan, Muhammad, Afghanistan’s Environmental Challenges, The Daily Outlook Afghanistan- 25<sup>th</sup> June 2012.

3. Böge, Volker. 'Bougainville: A Classical Environmental Conflict?' Occasional Paper No. 3, Environment and Conflicts Project (ENCOP), Bern, Switzerland, October 1992; Conciliation Resources, Accord, No. 12/2002, special issue on 'Weaving Consensus: The Papua New Guinea-Bougainville Peace Process'.
4. Caldecott J, Mills L, Nelleman C. *challenges to great Ape survival*, University press, Los Angeles, 2005.
5. *Citizen news*; Kenya, Monday 12<sup>th</sup> august, 2013.
6. Constitution of Kenya, National Council for Law Reporting, 2010.
7. David Kamweti, Deborah Osiro and Donald Monograph 166, 2009.
8. FAO, Thailand Forestry Outlook Study, Food and Agriculture Organization Working Paper No. APFSOS II/WP/2009/22 for Asia-Pacific Forestry Sector Outlook Study II, 2009.
9. GOK, National Population Census, 2009.
10. Government of Kenya: 2005
11. Hens L. indigenous knowledge and biodiversity conservation and management in Ghana, *Journal of Human Ecology*, 2006.
12. Homer-Dixon, BLitt J. *Eco-violence: links among environment, population and security*. Lanman, Rowman and littlefield, 1998.
13. Investigator Relations information Network (INRI); population growth, environment destruction and genocide, 2002.
14. Juma, Thomas Otieno, George M. Barenzi, Kenneth Oluoch. *Statism and Regionalism (Kenya's Experience): Peacebuilding in the Great Lakes Region of Africa*, Lambert Academic Publishing, Germany, 2012.
15. Kenya constitution chapter five; Land and Environment 2010.
16. Kenya Environment Management and Coordination Act No.8 of 1999.
17. Kenya Forest Act 2005.
18. Kenya National Commission on Human Rights, '*the cry of blood*-2008.
19. Kenya Water Resource Act: 2002
20. Kenya Wildlife Act, 2012
21. Laosuksri, Walaiporn, *Engaging Buddhism in Forest Management in Thailand*, *Research on Humanities and Social Sciences*, ISSN 2222-1719, IISTE, 2013; 3(21).
22. Mathews R. Excerpt from speech by warren Christopher, former US secretary of state under Clinton Administration quoted, *The environment as a national security issue*, *journal of policy history*, 2000.
23. NASEP Sessional Policy Paper; 2005.
24. National Environmental Management Authority (NEMA)-[www.nema.go.ke](http://www.nema.go.ke)
25. Nye, Joseph SJr. *Energy and Security in the 1980s*. World Politics. The John Hopkins University Press, 1982.
26. Ochola, Abiya, Gulley, *Soil Erosion Threaten Rural Life*, *The East African Standard (Nairobi)*, April 24, 2006.
27. Oluwadare, Abiodun Joseph, Musibau Olabamiji Oyebode, *Oil Resource as a Major Source of Insecurity in Niger Delta of Nigeria*, *Research on Humanities and Social Sciences*, ISSN 2222-1719, IISTE, 2013; 3(21).
28. Organization Jeunes Travailleurs Revolutionnaires (OJJTR,), Atheneum Reading Rm, Assessed on 23/09/2013. Scoop 2004, Interview with Asari Dokubo 1992.
29. Report on extrajudicial killings and disappearances
30. Richard A. Matthew and Leah Fraser, *Global environmental change and Human security*, University of California Irvine, 2002.
31. Rio declaration on environment and development; 1992
32. Shah, Anup, *The Democratic Republic of Congo*, 2010. [www.globalissues.org/article/ 6.06.2014](http://www.globalissues.org/article/6.06.2014)
33. Shiva V. *Water Wars: Privatization, Pollution and Profit*, South End Press, Cambridge 2002.
34. Slack Alyson. Number 118, May, *The Inventory of Conflict and Environment (ICE)*, Number 118, May, 2003.
35. Speech by His Excellency Hon. Uhuru Kenyatta, C.G.H, President and Commander in Chief of Defence forces of the Republic of Kenya on the National leadership and integrity conference, Kenya school of monetary studies, 12<sup>th</sup> June, 2013.
36. UN Report, on DR CONGO 2008.
37. UNEP, 'Environmental Assessment of Ogoniland,' UNEP, Geneva 2011.
38. United Nations Report, *Kenya integrated forest services*, 2012.
39. Wallenstein, *Understanding Conflict Resolutions*: London. Sage, 2007.
40. World Bank report, 2005.
41. World Commission on Environment and Development (WCED), *Our Common Future*, Oxford University Press; Oxford, 1987.
42. [www.iisd.org](http://www.iisd.org)
43. [www.infotrackea.co.ke](http://www.infotrackea.co.ke). 8/06/2014.
44. [www.kalenjininfocentre.com](http://www.kalenjininfocentre.com) / the origins of totems
45. [www.kfs.go.ke](http://www.kfs.go.ke) , Kenya Forest Service
46. [www.kws.go.ke](http://www.kws.go.ke) , Kenya wildlife Service
47. [www.sabaotculturalcentre.com](http://www.sabaotculturalcentre.com)
48. Sholle, Julius K.-
49. MA student of Public Administration and Policy, Moi University; Holds BA Political Science, Moi University; Now Part- Time Lecturing at Kisii University.
50. Juma, Thomas Otieno –
51. Lecturer in Department of History, Political Science, and Public Administration (Moi University); Currently Finalizing his PhD in Political Science at Kisii University having completed Masters in International Relations and Diplomacy from Nkumba University; Holds certificates in Election Management from International IDEA/ UNDP. Has authored a number of books on Diplomacy/Peace/and Politics.