Place of the Public and Private Partnerships in Conflicts Aversions and Resolutions in Access and Use of Natural Resource: Experiences of the Isinya Water Resource Users Association (IWRUA) in the Isinya Water Basin, Kajiado County

by

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Introduction
Although public-private partnerships (PPPs) are an effective tool in operationalising sustainable conflict-free development goals, people and locations most in need of achieving these goals are often unable to procure PPPs effectively. Increasing access to developing and transition economies by building the core competences for PPP procurement can scale up both the use of public-private partnerships and increase investment into vital sustainable development projects. Rarely is the partnership taken advantage of in relation to conflicts aversion and resolutions. In an arid and semi-arid environment with historical marginalisation, continued land fragmentation and, increased land use diversification, the emanating scenarios can be quite complicated. This paper shares on experiences in the Isinya Water Basin of Kajiado County on cooperation and conflicts in access and use of natural resources by various stakeholders. The aim is to bring to the fore the existing circumstances with a view of presenting learned best possible practices to avert and resolve conflicts as experienced by the Isinya water Resources User Association (IWRUA). The paper also presents areas of cooperation between the public and private sectors to show that despite the conflicts, there is also sharing of resources.

PPPs in Development and Conflict-Free Context
Normally, PPPs refer to contractual arrangements between government and the private sector to build, finance and manage public infrastructure. As the projects are not backed by sovereign guarantees, the risk in the projects is mainly borne by the private sector. Developing and transition economies often experience inadequate housing, poor transportation facilities and roads, lack of access to safe drinking water and dangerous levels of emissions from industries (e.g. mining, manufacturing, etc.). PPPs effectively increase investment in necessary infrastructure as well as improving the delivery of social services such as health and education projects. Therefore, it is important to think of PPPs not only as bricks and mortar for development, but also as impacting on real people, communities and vulnerable groups.

In the Isinya Water Basin, a number of individuals and institutions have acquired land either for settlement or development. The ensuing landscape has come to dot factories, colleges, flower growing and, horticulture among others. A culture that for example has traditionally shunned poultry is now occupied by large scale producers of the birds and pigs. The ultimate developments have brought in a huge competition over natural resources in the area, more so on water and forage. Fencing of the private investments has led to lessening of movement for livestock and people. Dry season grazing areas are no longer available. The corridor that served well for wildlife to the Amboseli National park has been occupied by houses and economic activities. Groundwater, which is the main source of water supply, has experienced competition to an extent that the drawdown is rapidly worrying. This has become a genesis of conflicts as the shallow aquifers are no longer possible to provide water. At the moment close to 100 shallow wells have been lost due to the deep boreholes drilled by the
various stakeholders. Evapotranspiration has increased as the land has been led bare, raising the loss of water from the land surface and decreased aquifer recharges. Encouragement of sand sales has seen the seasonal rivers lose sand which used to provide seasonal waters to the pastoralists.

Historically, development of the Isinya area, as is the rest of Kajiado County has generally relied on either aid or economic growth to provide necessary resources and services to the populations. A number of problems have been seen to arise with such an approach. First of all, relying on economic growth to create the necessary institutions can take too much time to meet the requirement for essential public services (e.g. safe drinking water, hospitals, transport infrastructure, etc). Secondly, aid and contract work does not build local capacity to provide services and infrastructure. And finally, a lack of public sector involvement can result in disastrous long-term effects on health, security and the environment. By supporting the medium to long-term development of infrastructure and public services, a prerequisite to increasing economic and social development goals, PPPs prove effective in reaching development goals. The long-term nature of PPP contracts encourages the government to look at the effects on social aspects such as health and the environment. Moreover, PPPs can transfer knowledge and skills from the public sector, thus building local capacity in various sectors of society. Their performance to date is rather positive. PPPs offer the government assets on time and to budget and increase efficiency. For the arid and semi-arid environment with transition economies trying to respond to growth in demand for services, they can be an effective rapid response tool.

A lesson learnt from developments in and around Isinya area is that effectively reaching development goals requires private sector involvement. Private sector investment can either accelerate or make possible investments in infrastructure and public services that would otherwise not take place or be significantly delayed. This is particularly true in reference to the Millennium Development Goals (MDGs). Since the inception of the MDGs, the private sector has been expected to take on a large role in their achievement. Significant investments from the private sector and new collaboration between the public and private sector can improve both public services and the environment. It is generally acknowledged that the private sector has the knowledge and technology, often lacking in the public sector, to for example transform waste into energy on a commercial basis. The coming of the private sector in the Isinya area has brought in both social and economic benefits. Schools have been built by the private sector that benefits the local population. They also have created jobs and market pools for local products such as milk. The PPP has transformed environmental programmes into both a more effective environmental programme.

Sustainable development does not just refer to the environmental aspect, but also to the reinforcing of other structures. In other words, the government need to be able to continue to provide essential services and goods to the public on their own. Cognisance is taken of the fact that the engagement of local citizenry, governments and the local markets in a public private partnership builds human capital. Furthermore, when groups of citizens become stakeholders in the process, they create an incentive for change and system stability. Despite cases of success, the growth of PPPs in sustainable development is currently constrained. Many international operators are not motivated to make investments where the need for social services is greatest. Various negative factors are responsible for this, such as opposition from local populations, contractual disputes between governments and private partners and unclear legal, regulatory and institutional frameworks. In short, private partners perceive their involvement as carrying increased risk and have become more cautious in entering into PPP arrangements.
Conflict-Free Environment Building Agents

A major lesson is that conflict-free building measures should integrate civil society in all efforts and include all levels of society in the post-conflict strategy. Many believe that the greatest resource for sustaining peace in the long term is always rooted in the local people and their culture. For the Isinya area, parties should strive to understand the cultural dimension of conflicts, and identify the mechanisms for handling conflict that exist within that cultural setting. Building on cultural resources and utilizing local mechanisms for handling disputes can be quite effective in resolving conflicts and transforming relationships. Initiatives that incorporate citizen-based peace building include community peace projects in schools and villages, local peace commissions and problem solving workshops, and a variety of other grassroots initiatives.

Any successful conflict-free building strategy inherently relies on a multi-stakeholder engagement process with a wide variety of actors. The potential for cooperation between state and private actors cannot be underestimated, particularly in fragile post-conflict climates. Partnership is critical for setting the infrastructure and policy priorities that effective private sector development requires. An equally important function of the state is the protection of human rights against potential abuses, including by the private sector as well as encouraging responsible business practices. Strategies of environmental and regulatory compliance often rely beneficially not just on brute enforcement, but also on pedagogy (disseminating information and teaching how to do things better) and bargaining (arranging mutually beneficial deals between the perceived beneficiaries and victims of negative externalities). In the context of marginalised areas such as the arid and semi-arid, such alternative approaches may sometimes prove more cost effective, though disciplining capital must be balanced with attracting it in the first place.

Many note that stable harmony must be built on social, economic, and political foundations that serve the needs of the populace. In many cases, crises arise out of systemic roots. These root causes are typically complex, but include skewed land distribution, environmental degradation, and unequal political representation. If these social problems are not addressed, there can be no lasting peace. Thus, in order to establish durable peace, parties must analyze the structural causes of the conflict and initiate social structural change.

Many note that economic development is integral to preventing conflict and avoiding a relapse into violence. Economic factors that put societies at risk include lack of employment opportunities, food scarcity, and lack of access to natural resources or land. A variety of social structural changes aim to eliminate the structural violence that arises out of a society's economic system. These economic and social reforms include economic development programs, health care assistance, land reform, social safety nets, and programs to promote agricultural productivity. One of the essential requirements for the transformation of conflicts is effective communication and negotiation at both the elite and grassroots levels. Through both high and community-level dialogue, parties can increase their awareness of their own role in the conflict and develop a more accurate perception of both their own and the other group's identity. As each group shares its unique history, traditions, and culture, the parties may come to understand each other better. If these sorts of bridge-building communication systems are in place, relations between the parties can improve and any peace agreements they reach will more likely be self-sustaining.

i) Local Civil Society

3
As in other aspects of social and economic and peace building, local Non Governmental Organisations (NGOs) and Community Based Organisations (CBOs) can play a variety of roles. In the Isinya area, they typically play three roles: those of weathervane, public goods provider, and watchdog. On the first point, they can pick up relatively insignificant changes in social dynamics, often subtle signals of brewing conflict. On the second, local institutions may fill in the service delivery shortfalls that typically grow during conflict. On the third point, the institutions can conduct peace and conflict impact assessments to ensure that development aid does no harm and builds peace. The local institutions have proved to be a source of detailed local knowledge and able to achieve practical goals more efficiently than parties coming in from outside would be able to. In addition, supporting such organizations has shown to help avoid a ‘brain drain’ from a post-conflict environment, as they can provide employment for educated individuals. Specifically they can also play a role as insider mediators, and can support the establishment of participatory governance and collaboration on reconstruction and development projects often better than international NGOs given their familiarity with local people and customs. Their roles might include assistance in re-building social infrastructure, strengthening delivery of basic social services and social integration. On the negative side, local institutions may lack the know-how and capacity to design and implement effective projects. Furthermore, there is large body of planning and political science literature that problematizes their claim to represent civil society. Local institutions may be dominated by local elites, pushing agendas that are not supported by marginalized groups. Specific private sector activities that institutions can take up also include facilitating the rapid re-establishment of income earning activities; identification and implementation of quick impact micro-projects; and capacity building activities that can quickly ensure the re-integration of ex-combatants, refugees and displaced persons into their communities.

The promotion of sustentative and procedural justice through structural means typically involves institution building and the strengthening of civil society. Avenues of political and economic transformation include social structural change to remedy political or economic injustice, reconstruction programmes designed to help communities ravaged by conflict revitalize their economies, and the institution of effective and legitimate restore justice systems. Peace building initiatives aim to promote none violent mechanisms that eliminate violence, foster structures that meet basic human needs, and maximize public participation.

ii) Local Businesses and Private Sector
Experiences of IWRUA are that locally-owned and managed businesses, as part of the private sector, are never neutral in conflicts. Owners and managers of these businesses often play a prestigious role in society, and may be well-connected via multiple business or social networks, giving them access to resources. The inclusion of local businesses in conflict free environment building initiatives is often crucial to their success. At the micro level, businesses comprising the bulk of the informal local economy are dynamic innovators and entrepreneurs, representing future growth, particularly when supported by international donors through microfinance projects or business associations.

There have been a number of conflicts in Isinya area between the various stakeholders. Some of them, such the one between the nails factory and the local community is fuelled by corruption. The investment claims to have an EIA. However, looking at the detriments of the industry, one wonders how they were given a clean bill of health to operate. The same applies to the flower industry that has led to pollution of water resources and the environment in general.
Livestock have lost their lives and people have been complaining of discomforts when they breathe in the fumes from the farms. Confrontations on these fronts have created enmities between the local people and the investors, heralding in the need to build lasting solutions. In light of this, it is generally agreed that the central task of averting conflicts is to create positive peace, a stable social and economic equilibrium in which the surfacing of new disputes does not escalate into violence and war.

iii) International NGOs
Lessons from the various international bodies operating in the county show that international non-governmental organizations (INGOs) engage in a variety of activities to promote private sector development, enhance the capacity of local civil society and governments, and ensure transparency and accountability. The most remarkable works were done by the Dutch funded Arid and Semi-Arid lands Development Programme. They supported making of development plans that took on board conflicts avoidance in both short and long terms. The approach had the understanding of building as an umbrella concept that encompasses not only long-term transformative efforts, but also peacemaking and peacekeeping. In this view, peace building encompassed early warning and response efforts, advocacy work and, humanitarian assistance.

iv) The Personal Dimension
The personal dimension of conflict-free building centres on desired changes at the individual level. If individuals are not able to undergo a process of healing, there will be broader social, political, and economic repercussions. The destructive effects of social conflict must be minimized, and its potential for personal growth must be maximized.

Conclusion
Effective conflict-free existence requires public-private partnerships in addressing conflict and greater coordination among the various actors. One way is to develop a conflict inventory to keep track of which agents are doing various peace-building activities. A second is to develop clearer channels of communication and more points of contact between the elite and middle ranges. In addition, a coordination committee should be instituted so that agreements reached at the top level are actually capable of being implemented. A third way to better coordinate peace-building efforts is to create peace-donor conferences that bring together representatives from humanitarian organizations, NGOs, and the concerned governments. It is often noted that peace building would greatly benefit from cross-fertilization of ideas and expertise and the bringing together of people working in relief, development, conflict resolution, arms control, diplomacy, and peacekeeping. Lastly, there should be efforts to link internal and external actors. Any external initiatives must also enhance the capacity of internal resources to build peace-enhancing structures that support reconciliation efforts throughout a society. In other words, the international role must be designed to fit each case.

Various internal actors play an integral role in peace building and reconstruction efforts. The government is not only the object of peace building, but also the subject. While peace building aims to transform various government structures, the government typically oversees and engages in this reconstruction process. A variety of the community specialists, including lawyers, economists, scholars, educators, and teachers, contribute their expertise to help carry out peace
building projects. The society's religious networks can play an important role in establishing social and moral norms. Nevertheless, outside parties typically play a crucial role in advancing such peace building efforts. Few peace building plans work unless regional neighbours and other significant international actors support peace through economic development aid and humanitarian relief. At the request of the affected country, international organizations can intervene at the government level to transform established structures. They not only provide monetary support to post-conflict governments, but also assist in the restoration of financial and political institutions. Because their efforts carry the legitimacy of the international community, they can be quite effective. The government on its part has a role to play in promoting conflict-sensitive business practices through the adoption of appropriate and sustainable guidelines. At the same time, capacity need be built on the stakeholders to enhance having an environment that is conducive to conflict free developments. With their varied strengths and weaknesses, players in building conflict free developments have a role to play. The existing conflicts seem to zero on land and access due to dynamics that at the moment are irreversible. Land continues to be reduced in size, further aggravating the clamour for access to water resources among others.