Militianisation of resource conflicts

The case of land-based conflict in the Mount Elgon region of Western Kenya

Robert Romborah Simiyu

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About the author

Robert Romborah Simiyu lectures in the Department Of Geography, Moi University, Kenya. He is currently undertaking his PhD studies at the Department of Human Geography, Planning and International Development Studies, University of Amsterdam, while based at the African Studies Centre in Leiden in The Netherlands.

Although this report was initially intended to be a joint effort between myself and Doctor Godwin Siundu of Masinde Muliro University of Science and Technology, because of circumstances over which he had little control, Doctor Siundu could not find sufficient time to contribute to the study. He nonetheless made time to reflect upon my progress and always made insightful comments, some of which I readily adopted in their raw form, and for which I am greatly indebted to him. However, I take full responsibility for the final product.

List of abbreviations

KANU   Kenya African National Union

KNCHR   Kenya National Commission on Human Rights

MDF   Moorland Defence Force

ODM   Orange Democratic Movement

PNU   Party of National Unity

SLDF   Sabaot Land Defence Force

Executive summary

In the early 1970s, the government of Kenya set out to implement a land resettlement programme for squatters in the Chepyuk area of Mount Elgon District, intended primarily for the Mosop (Ndorobo) and Soy clans of the district's 'autochthonous' and dominant Sabaot community. From its inception, the programme was derailed by claims and counterclaims of state favouritism and corruption by both clans, leading to a cycle of allocations, annulments and evictions. This has engendered discontentment and exacerbated intra-community tensions and conflicts, which took a more violent turn in 2006 after the finalisation of the land allocation process, during the third phase of the resettlement programme.

One of the outcomes of the process required some members of the Soy clan, who had already settled, to vacate their land and others to give up part of their land for subdivision and allocation to other families from the Mosop clan and a section of the Soy clan. However, they mobilised young people to defend their land and resist any evictions, culminating in the formation of a militia group called the Sabaot Land Defence Force (SLDF). It is the activities of this militia that have defined the conflict in Mount Elgon District.

In the following pages, I trace the trajectory of the conflict, unravel its root causes and other contributory factors, discuss the various responses by the state, and make proposals on what could be done to attain sustainable peace in the region. While land allocation in the third phase of the resettlement programme was the immediate trigger of the conflict, my analysis points to historical injustice related to colonial disinheritance of the Sabaot communal lands, and to competition over scarce land resources in the post-colonial era, induced in part by inequitable distribution and access patterns but also demographics, as the root causes of intra- and inter-community tensions and conflict escalation in Mount Elgon District. I also suggest that there were some pre-existing conditions that interacted with these root causes to configure a landscape of conflict in the

district, to create a context and potential for conflict escalation and spread, and to transform the conflict into a broad-based insurgency with far-reaching political and criminal ramifications. These pre-existing conditions include a history of violence and militarisation in the area due to the availability of small arms and light weapons (SALWs), intra- and inter-community rivalry and ethnonationalist politics, insecurity/uncertainty of land tenure, the geography and structure of the local economy, and declining presence of the state in the region.

Initially the response of the state was to dismiss the militia as a bunch of thugs and criminals who would be dealt with firmly and conclusively. However, as it became increasingly clear that the militia was bigger and more organised than earlier thought, the government deployed more security forces while at the same time seeking a solution through dialogue with local leaders and residents. However, since the government viewed the conflict as primarily a security issue whose solution ultimately lay in a military intervention, it deployed more security personnel with the intension of annihilating the militia and maintaining law and order. This military approach eventually led to the deployment of the Kenyan armed forces in March 2008; a development with which many local residents who had suffered in the hands of the militiamen were initially pleased. However, in its determination to rout out the militia, the army applied brutal interrogation tactics, which included torture, mass detentions, forced confessions and extrajudicial killings, exacerbating the misery and precarious position of the local residents. The military, the police high command and the provincial administration have all dismissed these allegations and challenged complainants to present evidence to the police for investigation.

Thus, although the army has achieved tremendous success in its war against the SLDF militia and has killed some of its top commanders, including its deputy leader and its spokesman, it is my position that the atrocities that have been committed by the army have not only undermined the confidence of the local residents in the army, but have the potential of exacerbating feelings of community persecution by the state, which does not augur well for sustainable peace. It is in this respect that I make the following recommendations:

- The army and other security agencies should carry out their operations in a manner that restores public confidence and faith in the state. In addition, complaints about gross human rights violations should be dealt with in a transparent manner. A first step in that direction would be to allow the

media access to the area. This will allay fears that the security agencies have something to hide from the public in respect of their operations

- Human rights violations in the district, past and present, should be investigated so that perpetrators of heinous acts against innocent civilians are held to account for their actions. This will help to halt the culture of impunity and break the cycle of violence in the district that has escalated particularly during the election process. Speculation that some powerful individuals are behind the activities of the SLDF should also be investigated and those involved punished

- The state should assist those who have been displaced in order to enable them to resume normal lives. Many of them lost their livelihoods and face starvation because they are unable to cultivate their farms; many government services remain non-operational; many schools remain closed; and health facilities are overstretched. All the innocent civilians who have lost property in the conflict as a result of either the activities of the SLDF or police arson should be compensated. A clear, transparent and consultative mechanism for assessing such losses should be created in the context of the broader programme of resettling post-election internally displaced persons that is being implemented across the country

- It is imperative that the state assures those who have been displaced that they will not only be guaranteed maximum security on their return, but that security agents will not harass and victimise innocent people. Given widespread complaints about gross human rights violations by the army in particular, responsibility for law and order in general should be handed over to the regular police as soon as the situation permits

- The army's role should be restricted to trouble spots and be aimed at wiping out remnants of the SLDF and preventing them from regrouping. In particular, the army should improve cooperation with their Ugandan counterparts to enhance surveillance along the Kenya-Uganda border to make sure that the militiamen are not allowed space to regroup on the Ugandan side of the border and re-launch their activities at some future date

- Since the remoteness and general marginalisation of the area and the structure of the local economy, which is dependent upon land resources, are contributing factors in the conflict, the state should work towards attaining effective integration of the Mount Elgon area into the rest of Kenya as well as creating conditions necessary for the diversification of the local economy. In particular, efforts should be made to find a way of engaging the district's

growing young population in productive activities and facilitating their entry into the informal sector. It is important to note that the conflict was in the process of creating an 'insurgency economy' – based on extortion, informal taxation, protection money, confiscation of property, etc – that not only potentially fed and extended the insurgency but also made the militia attractive to idle and unemployed young men

- Upon return to normalcy, the government should expedite a consultative, inclusive and transparent land resettlement programme for the Chepyuk settlement scheme. This should be preceded by a comprehensive audit of the Chepyuk resettlement programme since its inception to date. The audit should provide the basis for compensation, of one form or another, to the Sabaot community as a whole, and for redressing the grievances of the different Sabaot clans and of feuding Soy factions. Ultimately, the programme should aim at resettling all those who remain landless in the Mount Elgon area taking into account historical injustice and land claims, equity, availability of land and the environmental imperative. Such a programme should be implemented within a specific timeframe and land rights duly conferred to land allocatees by means of title deeds. Only when such a process is consultative, inclusive and transparent shall the confidence of the local residents be restored and the basis for politicisation of the land issue removed

- Because of their hunter-gatherer lifestyle, the Mosop has on several occasions expressed the desire and even attempted to return to the Chepkitale moorlands on the upper slopes of the mountain from where they were relocated in 1971. This area has since been converted into a game park. It is proposed that the Kenya Forest Service (the erstwhile Forest Department) allows the Mosop negotiated access to and use of the forest products and services. This will go a long way towards alleviating their desire to return to Chepkitale and also achieve better forest management and conservation by tapping into the Mosop's indigenous knowledge and customary land use and tree tenure systems that are recognised as critical to forest conservation the world over

- A broad-based peace, reconciliation and healing process should also be instituted between the rival factions of the Soy clan and between the two Sabaot clans on the one hand, and later between them and non-Sabaot, on the other. The process, to be facilitated by the state and civil society organisations, should be driven by the communities concerned and spearheaded by individuals or institutions chosen by them

1 Introduction

Land-based conflicts have been a common phenomenon in Kenya since the pre-colonial days. Community conflicts and violence have erupted over land and associated resources in different parts of the country, particularly between agriculturalists and pastoralists, resulting into the loss of many lives, massive destruction of property and livelihoods, population displacements and human rights violations. Indeed, analysts generally agree that the unresolved land question was at the root of the unprecedented violence that rocked the country in the aftermath of the disputed December 2007 elections, not least because the violence was most widespread and intense in the Rift Valley region, where the land question has been most intractable.

Yet, the rhythmic nature of land-related violence, often coinciding with general elections and other critical moments in Kenya's national politics, indicate that there may be more to it than just land disputes or pure inter-community hatred. Indeed, it points to a possible political motive for the chaos. This is borne out by the fact that in some instances, state agencies have been implicated in the conflicts, while in others the state has remained ambivalent. The result is that many conflicts remain unresolved, some years after they first started. Such is the case with the conflict in Mount Elgon

Map 1 Administrative map of Kenya showing location of Mount Elgon district
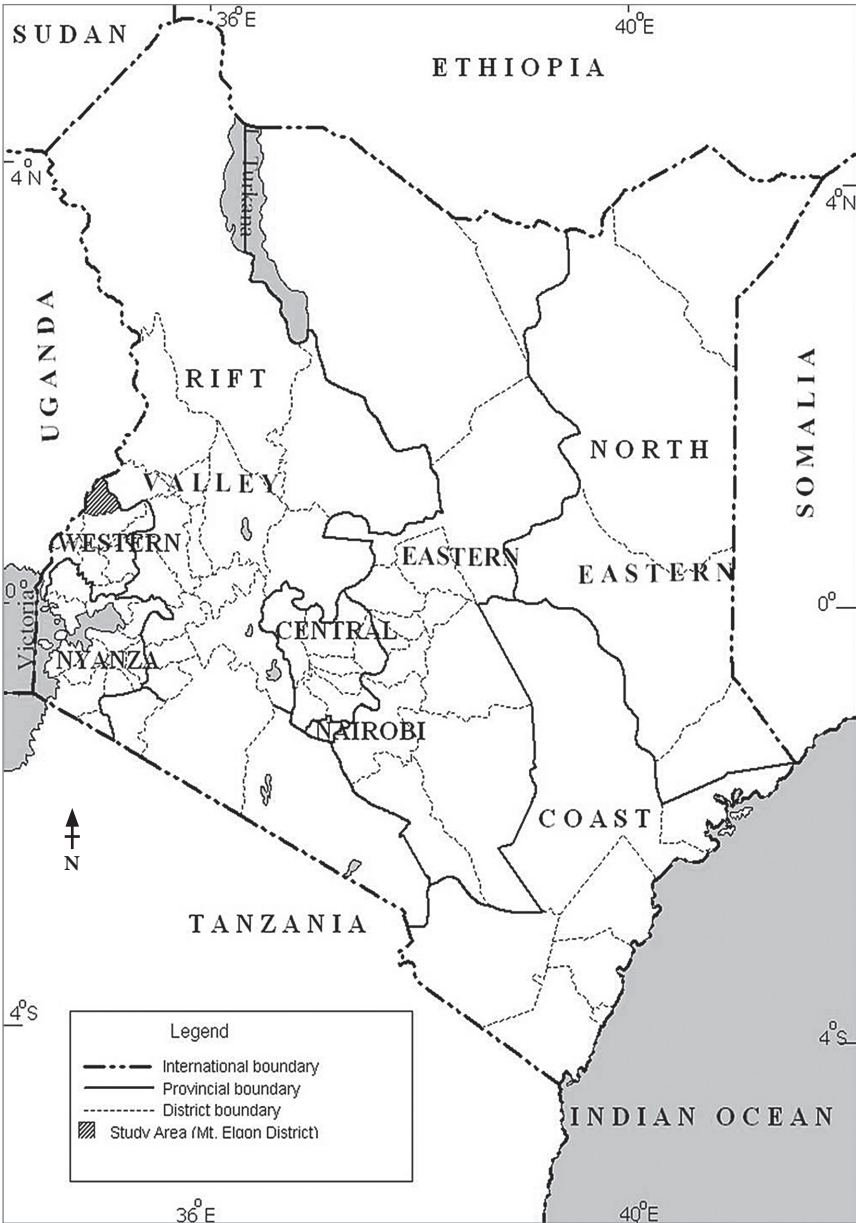
District, which is the subject of this study (for the location of the district in Kenya, see Map 1).

For quite some time now, the Mount Elgon region has epitomised land-related violence in the form of bloody skirmishes between the region's various ethnic communities and, more recently, between two clans – the Mosop (also called Ndorobo) and the Soy – of the 'autochthonous' and dominant Sabaot community, between factions of the Soy clan, and between state agents and a local militia group calling itself the Sabaot Land Defence Force (SLDF). That these skirmishes have a long history is borne out of the fact that common narratives situate the genesis of the conflict in the early years of independence. However, interventionist measures by the government similarly have a long history.

In the past two years, from the beginning of July 2006, the Mount Elgon region has evoked in print and electronic media outlets images of displacement, separation and civilian deaths. So far, over 600 people have lost their lives, many more have been injured and about 66 000 have been internally displaced and live in dismal conditions in neighbouring districts (KNCHR 2008). Many families have been torn apart and the education of thousands of children disrupted.[1] Farming, which is the mainstay of the district economy, has been disrupted with serious implications for food security, food prices and nutrition in the district and beyond.[2] There have been reported cases of diseases like malaria and diarrhoea, conditions that have been exacerbated by the closure or inaccessibility (as a result of insecurity) of some health facilities and overcrowding as well as inadequate or no supplies in the few operational ones. Another indirect cost of the conflict is the loss of income occasioned by a poor work environment due to fears of the SLDF as well as state violence that was at its height during the military operation – dubbed Operation Okoa Maisha (Save Life) – aimed at crushing the SLDF.

The resurgence of violence has been interpreted in a myriad of ways, from being equated to tribal/ethnic clashes, being ascribed to individual political machinations of a few tribal demagogues whose survival depends on making populist pronouncements against neighbouring communities and inciting community sentiment, to being a signifier of a general breakdown in the regard for law and order, particularly among male youths. My point of departure is that this variety of interpretations is indicative of the complexity of the conflict. Indeed, the only common ground for the different interpretations is the centrality of the land issue, as evidenced in the narratives of its ownership and

the role of the many interest groups in legitimising ownership to which they control access.

Situating the current conflict in Mount Elgon District[3] within the trajectory of post-colonial land politics and the broader land issue, I examine how the unwillingness or failure of the successive governments to resolve the land question justifies or otherwise sustains feelings of betrayal by a section of the region's inhabitants. The grievances of these inhabitants and their indignation propels them to evoke ethno-nationalistic sentiments that are not just exclusivist, but also clash with the government's stated objective of harnessing a nation-state out of numerous disparate ethnic communities. The ethno-nationalist objective is also seen as a threat to the rights of movement and property ownership, also putting such groups on the collision course with other groups as well as with the state. As such, what appears to be a purely cultural or sentimental issue is driven by a material basis that is the foundation of the very existence of these groups. It follows then that imagining sameness or difference in relation to self and other respectively, is sometimes a matter of economic rather than socio-cultural history. As I hope to clarify in the course of this report, the most enduring factor in the making of Kenya's economic and socio-political history is land.

THE LAND QUESTION IN KENYA

Land is central to Kenya's economy, society and politics. The country's economy has over the years been driven by land-related activities – notably agriculture – a trend that is expected to continue into the foreseeable future. Even the quest for industrialisation is premised on the growth of agro-based manufacturing (Odhiambo 2002). As for the vast majority of the Kenyan rural population, land is the basic, and often only, economic resource from which they eke a livelihood and it is also around land that socio-cultural and spiritual relations among community members are defined and organised (Republic of Kenya 2002). For these reasons, most rural communities have become highly dependent on land and developed sentimental attachment to it, making access to, and ownership, use and control of the land resource – what has come to constitute the land question – arguably the most emotive and politicised issue in contemporary Kenya. The ever-growing population also exerts increasing pressure on what is already a scarce resource, against a backdrop of growing environmental awareness and

sensitivity, which, grounded in the logic of sustainable exploitation of resources and environmental conservation, requires that population migration into certain ecological sites be controlled.

The country's political history is in many ways intertwined with its land resources – land was at the core of Kenya's colonial conquest, and liberation wars were also fought over land – and the land question has continued to shape Kenya's political trajectory. One of the lasting legacies of colonialism is the alienation of large chunks of prime agricultural areas (and the deprivation of land rights thereon) from African communities which were then handed over to a relatively small number of white settlers[4] under an arrangement predicated on property rights based on English law. The resulting skewed patterns of land distribution and, in particular, the disinheritance that left many Africans either landless or pushed onto unproductive marginal territories, in time became a central grievance in the liberation struggles (Human Rights Watch 1993). In addition, and as Karuti Kanyinga (1998) has shown, the alienation of African land also led to the 'ethnicisation' of the land question as the influx of the dispossessed populations into other communities' ancestral territories created anxieties among autochthonous communities,[5] who feared that migrants would stake claim to their ancestral lands once white settlers left, especially in areas where migrants provided labour and settled as squatters on white settler farms. This engendered tensions between the different groups, which sometimes degenerated into violent evictions of migrants in areas such as Rift Valley even before independence.

Yet, despite the simmering tensions between communities and economic distress generated by the land problem in the Rift Valley and in other parts of the country, and contrary to popular expectations, the emergent African political class directed little effort towards resolving the land question upon taking over the reins of power.[6] Rather, the post-independence government chose an approach that glossed over the land question and not only failed to redress historical injustices[7] and inequalities in land ownership and access, but also created injustices of its own and perpetuated inequalities by generating 'an internal logic of control, economic power and disempowerment from those unable to partake in the mechanisms established for land redistribution' (Kariuki 2004:6). The approach involved the establishment of settlement schemes in former white highland areas as well as a market-based redistribution mechanism based on the principle of a willing buyer and willing seller.

Land allocation in resettlement schemes across the country was invariably characterised by corruption, favouritism, nepotism, tribalism, patronage and outright grabbing by government officials and politicians (see for example Kanyinga 1998). Similarly, in the land marketplace the intended beneficiaries, the landless squatters who were some of the poorest Kenyan Africans, also lost out to the wealthy and powerful elites who had the necessary economic muscle and political connections (KHRC 1996). The result is that most of the land meant for resettlement of the landless found its way into the possession of a few political and economic elites which perpetuated inequalities in landownership and landlessness into independence.[8] Because certain ethnic communities benefited at the expense of and to the exclusion of autochthonous communities, the latter were left with a sense of bitterness that incubated serious inter-community and sometimes intra-community tensions which exploded at the slightest provocation.

In the Rift Valley, for instance, the post-independence government helped large numbers of migrants, especially from President Kenyatta's home region of Central Kenya, to acquire large tracts of former white farms in the region, which autochthonous pastoralist communities considered to be ancestral lands. This grievance has been central to many cycles of inter-ethnic conflicts in the province in post-independence Kenya.

Here, and in other parts of the country as well, the land question has occasionally been exploited by political entrepreneurs as a tool for political survival, especially in the context of political competition. In the name of defending their people's land rights, the politicians re-ignite and exploit historical injustices in land allocation to rally local populations against 'foreigners' or 'invaders' perceived to subscribe to opposing political persuasions. The idea is to incite violence against migrants as a means of 'cleansing' those areas of opposition elements and so alter the electoral demographics in the belligerents' favour. This strategy was applied by President Daniel arap Moi's ruling Kenya African National Union party (KANU) in Rift Valley Province, but also in the Coast and parts of Western (including Mount Elgon District) and Nyanza provinces to deflect the opposition that threatened to end his rule at the height of the calls for multi-partyism in the early 1990s. The resultant ethnic violence uprooted many migrant families and destroyed their livelihoods and in the process disenfranchised them ahead of the first multiparty elections of 1992 to the benefit of President Moi and his party, KANU. The clashes that occurred between 1991

and 1993 cost over 1 500 lives and displaced between 250 000 and 300 000 people (Kenya Human Rights Commission 1996), apart from destroying millions of Kenya shillings worth of property. Ethnic clashes based on land conflicts have recurred with no less devastating consequences in every election that has taken place since. In a way, these clashes have demonstrated that land rights struggles in Kenya increasingly form the contexts within which ethnic identity and local and national citizenship are negotiated and contested (Kariuki 2004).

Land has also been used by successive governments in independent Kenya as a means of political patronage and control. Public land has been expropriated and dished out to powerful individuals and select groups in exchange or as a reward for political support (Kanyinga 1998; Kariuki 2004; Klopp 2000) often to the exclusion and at the expense of more deserving Kenyans. This in most part is done without regard for tenure rights and historical claims, ecological considerations, legal procedure or development policy. In the process many families and even whole communities have been evicted and their livelihoods lost, often without compensation; fragile ecosystems and important environmental resources like forests and catchment areas have been destroyed;[9] tensions and violent conflicts have arisen over contested land rights; and land set aside for social amenities and infrastructures (such as schools, health centres, roads, public amenities and cemeteries) has been lost. The situation has been exacerbated by the absence of a comprehensive legal, policy and institutional framework for land governance and management in the context of a complicated and confusing land tenure regime defined by numerous pieces of sometimes discordant legislation and regulations governing different aspects of the land and the various land-based resources (Republic of Kenya 2002; Odhiambo 2002; Barrow 1996).

The current conflict in Mount Elgon District must therefore be understood against this broader background. Indeed, as shall become clear later, a broad range of issues related to the land question in Kenya readily reverberate in the context of the Mount Elgon conflict.

THEORETICAL CONSIDERATIONS

Virtually all accounts of the conflict in the region point to competition over land as the dominant cause, and so it should be a major component of the envisaged resolution. The approach in this study draws on the scarcity perspective of

resources accessibility theory, which considers competition between groups for access and control over limited resources as an important motivating factor for conflict (Reuveny & Maxwell 2001; Simons 2005). The scarcity may result from several processes (Reuveny & Maxwell 2001; O'Lear 2005; Homer-Dixon & Blitt 1998). These include population growth as well as inwards migration leading to increased demand for and/or consumption of resources; 'a decline in economic performance' of a resource, which means that more resources would be required to meet the needs of a population than before; depletion or diminished quantities of a resource; or unequal distribution of a resource (or its benefits) leading to absolute scarcity. Scarcity raises the value of the resources, placing them beyond the reach of the powerless groups, while encouraging the powerful ones to appropriate more of the resources. In the circumstances, each group will struggle to access the scarce resources by any means, including violence.

It has increasingly been acknowledged by scholars (for example Obi 1999; Homer-Dixon & Blitt 1998), however, that scarcity may not by itself be a sufficient condition for violent conflict and the causal link between resource scarcity and conflict is not quite so clear-cut. It does become a more potent force in circumstances defined by pre-existing grievances and tension, 'by simultaneously increasing the grievances of the affected populations and changing the structure of political opportunities so that it is more rational to act violently upon those grievances' (Homer-Dixon & Blitt 1998:10). Pre-existing ethnic tensions have been identified in the literature as a local condition that particularly adds to the likelihood that violent conflict will be triggered by resource scarcity (O'Lear 2005).

The ethnic factor in African intra-state conflicts is attributed to the nature of the post-independence state, and indeed the character of the 'nation' itself (Tandon 2000) and particularly to the work of ethnic entrepreneurs who harp on historical or traditional inter-ethnic tensions and grievances to incite ethnic hatred in pursuit of their own political interests. However, while the ethnic factor may have been dominant in explaining the conflicts of the 1990s in the Mount Elgon area (which pitted Sabaots against the other communities and notably the Bukusu), it has not been as dominant an explanatory factor in the current conflict. In the present conflict the main combatants firstly belong to the same ethnic community, and secondly the circumstance of the escalation of the current conflict did not initially directly relate to politics of the state in general and political competition in particular. It is partly for this reason that

many commentators and especially the state have been quick to dismiss the conflict as acts of criminality and nothing more. However, as I show in this report, the history of ethnic clashes as well as ethno-nationalist sentiment among the Sabaot constitute important pre-existing conditions for the escalation of an otherwise intra-community conflict. I will amongst other things show that the predominantly Soy-led SLDF not only conflated criminal activities with a genuine land struggle but on occasion also projected its criminal activities in terms of a broader Sabaot community cause, in the event broadening its targets to include non-Sabaots both in Mount Elgon and in the neighbouring districts of Bungoma and Trans-Nzoia.

Of particular relevance to an understanding of the conflict in Mount Elgon is the contentious political perspective, which focuses on how processes – political, socio-economic, environmental, etc – occurring at higher (for example regional and national) levels interact with local processes and circumstances to produce conditions leading to conflict escalation. Emphasis is especially placed on the local contexts: whether or not scarcity of resources, which may be occasioned by external forces, triggers conflict 'is very much dependent on the historic, socio-political, and economic circumstances of specific places that structure both the value of resources, and power relations that control them' (Peluso & Watts 2001, cited in Simons 2005). In this regard, this study seeks to unravel the processes by which inequitable land distribution and access patterns in Mount Elgon may have served to divide a once cohesive Sabaot community and amplify inter-clan and intra-clan tensions as well as exacerbate historical political grievances imbedded in existing power relations to create conditions for an escalation of violence.

SOME BASIC FACTS ABOUT THE MOUNT ELGON REGION

Mount Elgon District was established in 1993 by a decree by the then president, Daniel arap Moi. Carved from the larger Bungoma District, Mount Elgon is a mountainous high-altitude area, rising to about 800 metres above sea level in the south and 1 430 metres above sea level in the north. It covers an area of about 940 square kilometres, of which about 600 square kilometres is forested.

Mount Elgon is one of 14 administrative districts in Kenya's Western Province and home to an estimated 160 000[10] residents from varied ethnic backgrounds. Of these, the Sabaot are the majority (constituting about 60 per

Map 2 Administrative map of Mount Elgon district
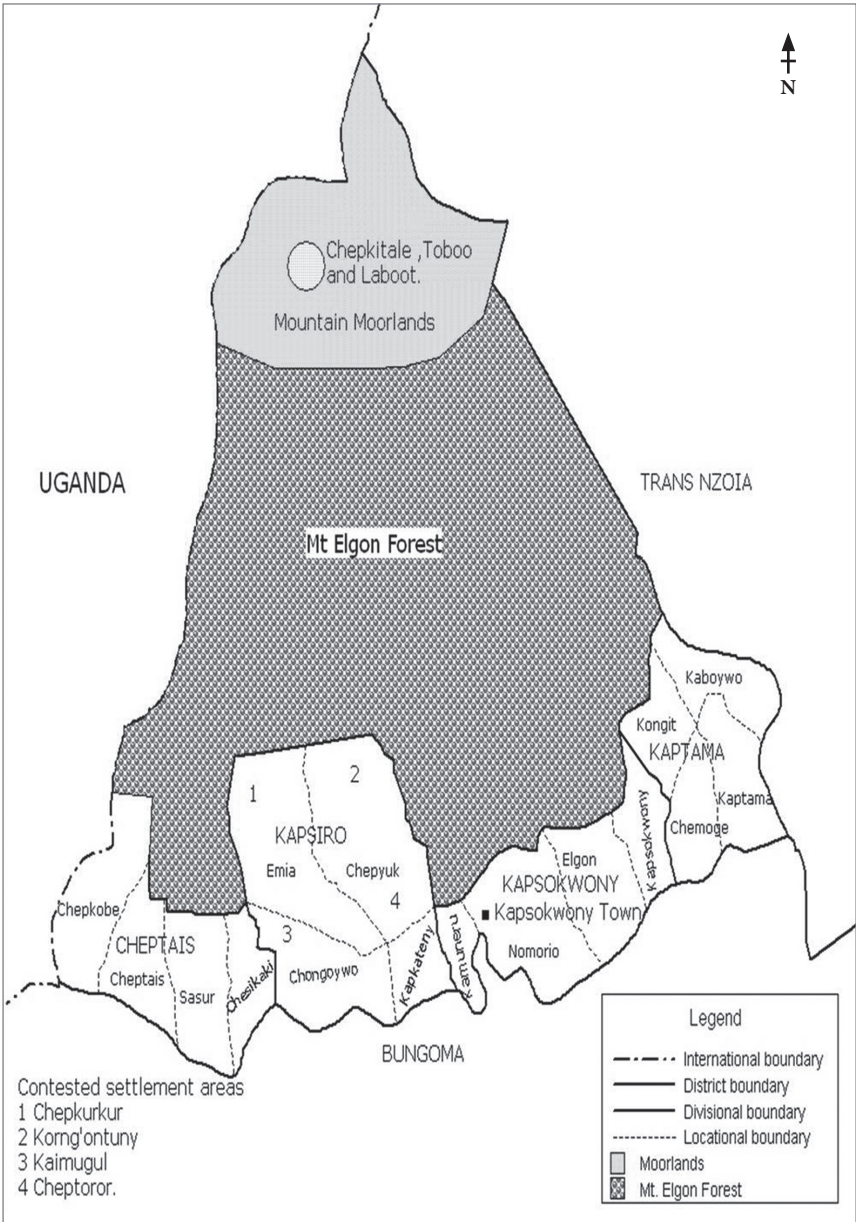
Source

cent) while Bukusus and Tesos form significant minorities. The Sabaot community comprises two main clans, the Mosop (Ndorobo) and the Soy, of which the Mosop are the minority comprising just about 20 000 members or about 20 per cent of the Saboat. With different histories of origin and subscribing to different versions of and justifications for their rights of occupation and ownership of land in the region, the same groups have coexisted in an atmosphere of lingering suspicion made permanent by a wide array of stereotypical views of each other.

Administratively, Mount Elgon District is divided into four divisions, namely Cheptais, Kapsiro, Kapsokwony and Kaptama. The district is further divided into 16 locations (see map 2). Its administrative headquarters are located in Kapsokwony, but Cheptais is the main economic centre of the district. Politically, Mount Elgon District is represented in parliament as one constituency while at the local government level is divided into 13 wards.

The district shares geographic borders with the Bungoma (South), Trans-Nzioa (East) and Teso (Southwest) districts in Kenya, and the Mbale (West) and Kapchorwa (North) districts in Uganda. Generally, the district has rich, loamy agricultural soil and a favourable climate that makes it a major food basket for Western Province and beyond. Economic activities involve various forms of trade that concentrate around the major centres of Kapsokwony, Cheptais and Kaptama, as well as Chwele in the neighbouring Bungoma West and Kimilili in Bungoma North districts. Chwele market, in particular, is the most important outlet for agricultural produce from Mount Elgon. The market is the second largest (after Karatina) open-air market for agricultural produce in Kenya and brings together traders from all over the country, including the country's capital, Nairobi, over 400 kilometres away. The bulk of the agricultural products traded in Chwele actually originate from Mount Elgon.

In terms of physical and social infrastructure, the district is generally underdeveloped, lacking a good road network, housing and social amenities such as educational and health facilities. There are no all-weather roads, and the sloping terrain makes mobility a challenge even for the most determined. One of the implications is that the region remains largely inaccessible to the outside world, a situation that is worsened by the district's general marginality in geographical terms relative to the rest of Kenya. Another noteworthy administrative aspect, which in part relates to the remoteness and marginality of Mount Elgon District, is that the government has over the years not been able to

establish an effective administrative presence in some of the more remote parts of the area. These factors have combined to engender feelings of neglect and marginalisation by the state among the local population.

The Saboat community has also been marginalised in terms of national Kenyan politics, which mean that the region has neither produced a politician of national standing, nor has it attracted the consistent attention of one. This point is important if one considers patterns of national resources distribution in terms of the patronage networks that have defined the Kenyan polity since independence.

To a considerable extent, the level of development in rural areas has historically depended upon how much influence and political leverage local politicians and other powerful individuals wield vis-à-vis the state in terms of ability to appropriate resources for the development of their areas. Being appointed to a full cabinet position has, for example, been interpreted to mean that the appointee had the president's ear and could therefore influence the channelling of national resources. (Of course this has not been the case everywhere.)

The president in his role as chief executive, especially during Kenya's one-party rule, almost literally held the key to national coffers and decided who would receive what and when. This is evident in Mount Elgon, which when still part of Bungoma District was left behind while other areas in the district , particularly those dominated by ethnic Bukusus, developed. This phenomenon is borne out by the fact that Bukusus have since independence had some of the most influential and prominent politicians (including five full cabinet ministers compared to none among the Sabaots) and technocrats in the country. To date, although a district on its own, Mount Elgon remains grossly underdeveloped in comparison with Bungoma District.

2 Background to the conflict

The land conflict currently playing out in Mount Elgon District can be traced back to the colonial policy of alienating African land to create room for white settler farms. In the case of the Sabaot community, their ancestral grazing land on the extensive plains of what is now Trans-Nzoia District was taken away from them in the early 1930s without compensation. Not only did this alienate the community from its means of livelihood, but the dispersal patterns of the displaced members also heralded a process of intra-community differentiation and rivalry that feeds the current conflict.

One section of the community, the Mosop (literally 'people from the top') relocated to Chepkitale 'trust land' on the upper slopes of Mount Elgon (at an altitude of 2 700 to 3 300 metres) above the dense forest in a marginal and inhabitable mountain moorland characterised by poor soils and vegetative resources. They occupied an area of about 35 000 hectares. Another section, the Soy (literally 'people from below') settled on the lower slopes of the mountain (below an altitude of 1 800 metres), in a rich agricultural area now known as Chepyuk. Thus the two sub-groups who are now at war are actually only geographically divided – taking their names from the relative geographical elevations of the areas in which they settled – for culturally they stem from one community.

Over time, geographic location has created different social identities for the Mosop and the Soy, based on different lifestyles borne out of environmental interaction and adaptation, despite their similarity in language, culture and ancestry. The thick forest reserve (at an altitude of 1 800 to 2 700 metres) that separated the two groups and somewhat constrained social interaction between their members and the fact that they occupied different environments aided the process of differentiation. While the Mosop turned to herding and foraging in the forest, the Soy turned to agro-pastoralism. The Mosop rarely travelled down-slope, and mostly did so only during times of hunger and starvation. They were skilled weavers of basketry products from bamboo, which they brought with them for barter trade in exchange for cereals like maize, millet and potatoes.

ESTABLISHMENT OF THE CHEPYUK SETTLEMENT SCHEME

The possibility of resettling the Mosop, who had been displaced in colonial times, in a more hospitable environment with their Soy counterparts was mooted as far back as 1965. From the government perspective, the initiative was guided by other equally compelling reasons, including protecting the Mosop against violent incursions from communities across the border in Uganda. In the period 1979-1983, former soldiers of toppled Ugandan president Idi Amin fled to Mount Elgon forest and persistently raided the Mosop and stole their cattle. The remoteness and inaccessibility of Chepkitale also made it difficult for the government to provide services to the Mosop. Communication between Chepkitale and the other inhabited parts of the region was poor. Transport was by foot and donkeys because only footpaths existed through the forest. There were no health facilities and the only school in the area, Kashok Primary School, had no trained teachers. However, the more important reason was that the entire Chepkitale region was a water catchment area that needed to be conserved, which the government proposed to do by establishing a game reserve that would also generate income from tourism.

The creation of the game reserve in 1968 added some urgency to the resettlement plans. To begin with, the game reserve took up a substantial portion of the moorlands on which the Mosop grazed their animals and foraged, in the process provoking protests from the Mosop as well as precipitating environmental

degradation due to overgrazing and overcrowding in the smaller remaining area. Hence a settlement scheme was established down-slope in Chepyuk in 1971 to which the Mosop would be relocated from Chepkitale trust land. To create room for the settlement scheme, part of the forest reserve was earmarked for degazettement.[11] Alfred Kamoet (2008:20) describes the process as follows:

> In 1965, the Dorobo leadership in Chepkitale, government representatives and local community leaders began negotiations on how the Dorobo (Mosop) people could be moved from the then Trust Land above the forest to the lower slopes close to their Soy counterparts. Despite resistance from some members of the Mosop group, the majority agreed and they were moved in 1971 to Chepyuk settlement scheme through legal notice no. 35 of 1968.

This first resettlement phase (1971 to 1974), commonly referred to as Chepyuk I, which was implemented in the present Emia and Chepyuk locations of Kopsiro division, did not proceed without a hitch, however. To begin with, the Mosop, comprising 468 families and a total of about 3 900 members (Western Kenya Human Rights Watch 2004), were moved to Chepyuk before official degazettement[12] of the forest and the process of land allocation and issuance of title deeds was not expedited. As a result, persons who had not initially been targeted for resettlement, especially members of the Soy clan who had settled in the neighbourhood of the scheme after their displacement from Trans-Nzoia, also staked a claim to the land on the grounds that some of them had either surrendered their land for the establishment of infrastructure and public utilities or had remained landless as a result of colonial displacement. Some also claimed that because of their relatively small population, the Mosop leaders invited a section of their Soy counterparts to join them in a bid to effectively occupy the expansive Chepyuk territories as a way of keeping off any would-be 'intruders'. This may be interpreted to mean that the Mosop considered the Chepyuk area as a territory to which they and their Soy cousins had a right. In a way, therefore, their action was a protest against the government's decision to limit their land occupancy to only a small area. However, other sources claim that the inclusion of Soy families in the scheme was necessary in order to achieve a mandatory minimum of 600 families required to constitute a settlement scheme as provided for under the resettlement policy existing at the time.[13]

Apart from the Soy, members of neighbouring communities – especially the Bukusu and Teso – also moved into the area. Some of them acquired land either by paying a purchase price in money or in exchange for providing labour to Mosop and Soy in clearing the forest.14 In both cases no formalised land ownership documentation was completed. Thus by the time degazettement took place in 1974 and official land allocation commenced, the forest had already been cleared, people had divided the land amongst themselves and settled there, while others had sold their plots. In addition, there were more families in the area than had been targeted for resettlement. For instance, early in that year, the government evicted 80 families from Ramromwet forest area in Kapsokwony division and these families ended up in Chepyuk. This prompted the government to establish a committee to verify claims and identify the families to whom land was to be allocated, as a result of which some people missed out and others were evicted. In the end, some 650 Mosop families and 300 Soy families received land.

CHEPYUK II

Those who missed out and/or were evicted, petitioned the government to reconsider their plight. President Moi conceded in 1979, after which more land was set aside for resettlement at Cheptoror and Kaimugul, and named Chepyuk II. But as in the case of Chepyuk I, the allocation process was not finalised in time and the situation in Chepyuk I was to a great extent repeated in Chepyuk II. There were suggestions that because of their lifestyle, which revolved around herding and foraging in the forest, a lot of Mosop could not till their land, instead preferring to either rent it to the Soy or sell it altogether, and that some of them preferred to go back to Chepkitale (and even attempted to do so in 1979 and 1988). The money economy and new lifestyle that they were introduced to upon relocation from Chepkitale also placed pressure on the Mosop to sell land in order to meet basic needs. As a result, the Soy were able to acquire much of the land in Chepyuk and ended up dominating the scheme that had ironically been created for the Mosop. On the other hand, some claimed that the Mosop complained about illegal acquisitions of land by the Soy and felt they were unfairly losing out to the 'invitees'. They wanted their land back. In addition they petitioned the government to allocate them land that was equivalent in size to the one from which they were relocated (about 35 000 hectares). Chepyuk scheme

was an area of only about 6 500 hectares (Western Kenya Human Rights Watch 2004). On their part, the Soy demanded refund of their money and threatened to chase the Mosop out of the scheme if they did not comply. This simmering dispute reached President Moi in 1988, and he ordered a re-evaluation of the land allocation process.

The re-evaluation process was instituted in 1989 and was overseen by the then Rift Valley Provincial Commissioner, Francis Lekoolol, and the Bungoma District Commissioner, William Chang'ole, both of whom stated that the 'Chepyuk area was a settlement scheme for the landless and not an exchange land for Chepkitale forest reserve as had been perceived before' (Kamoet 2007:22). The government accordingly annulled the allocations, established a vetting committee (without involving local leaders), and invited new applications. As a result of the pronouncement on the status of the settlement scheme, the vetting committee was overwhelmed by applications not only from the two Sabaot clans, but also from members of other communities who had bought land and settled in the area. The committee was forced to introduce balloting and to limit land size to 2 hectares per family. In the end, a group of Mosop was settled in the Cheptoror and Kaimugul areas, while applications from members of other communities, including the Soy who had already settled in the area – some by way of land purchases from Mosop but for which they lacked proof of ownership – were mostly disregarded. Unsuccessful applicants were evicted from their farmlands, an action that enraged the Soy in particular, especially in view of claims of nepotism, non-involvement of community leaders, corruption and the fact that some 'foreigners' from outside had benefited from the land allocation process. Subsequently, Soy leaders – among them local politician and the then Mount Elgon KANU chairman, Fred Chesebe Kapondi – petitioned the government to resettle the evictees and other Sabaot who remained landless. They met President Moi in 1989 and again in 1993 to present their case (KLA 2007).

CHEPYUK III

Following the 1993 visit, President Moi issued a directive to resettle those affected, primarily members of the Soy clan. Consequently, additional land at Chepkurkur and Korng'otuny was set aside for what would become the third phase of resettlement, called Chepyuk III, that was intended for 1 732 families

with 2 hectare allocations. Again, as in the preceding phases the land set aside had not only been illegally occupied by the Soy already, but the government again failed to expedite the allocation process. This perpetuated the very problems that necessitated the establishment of Chepyuk III. The process was delayed until 2006.

It is important to note that it was the political competition in the context of the 2002 elections that had resurrected the land resettlement issue as local politicians from the Soy clan pitched their campaigns around promises to finalise the resettlement programme:

> By 2002, allocation of land and issuance of title deeds in the settlement scheme had not yet been completed. In the hope of garnering votes and endearing themselves to the electorate, politicians vying for parliamentary seats used the same as a campaign promise and more specifically with the promise of settling squatters [according to the existing household land ownership patterns]. This meant that all families were to be given title deeds based on where one stays or built their home or hut (KNCHR 2008).

While the process of surveying and issuing title deeds in the first two phases was completed fairly peacefully in 2003, many years after families had first settled there, the situation in phase three was potentially explosive for various reasons, which I shall discuss below. Suffice it to note here that in 2005 during the constitutional referendum campaigns, the land issue in Chepyuk III resurfaced again. Although the then area MP and Assistant Minister for Planning and National Development, John Serut, supported the campaign in support of the constitution which was being spearheaded by pro-government forces, the constituency returned an overwhelming vote against the proposed constitution.15 This is said to have intensified political rivalry and tensions between the Mosop and the Soy, since the Mosop, which is the minority clan, supported the constitution while an overwhelming Soy majority voted against it. Like Serut himself, most of his political opponents, amongst others Kapondi and some former MPs, hailed from the Soy clan.

By 2006, when the government finalised land allocation in Chepyuk III, people had developed their farmlands, others had sold or leased out their land to fellow Sabaot as well as to migrants , and the population in the area had grown substantially. Moreover, because the scheme had initially been created for the

Soy, and given the political rhetoric of 2002 referred to above, the Soy who had already settled in the area believed that the process of surveying and allocation would be a mere formalisation of their ownership and therefore did not expect the land boundaries existing at the time to be substantially altered. This was despite the fact that in many cases the self-allocated plots were many times bigger than the planned size (KLA 2007). In addition, by this time part of the land that had earlier been targeted for resettlement covering mainly Chepkurkur and Korung'otuny, had been hived off as part of a new reforestation programme by the state forest department. The ensuing dissatisfaction compelled Kapondi to negotiate with the government for the revocation of the decision. This was actually done. In 2005 the government surveyed the area and in 2006 embarked on the finalisation of the third phase of the resettlement programme.

3 Trigger of the conflict

Land allocation in Chepyuk III

As was noted above, Chepyuk III was intended for 1 732 Soy families who would each receive 2 hectare plots. However, when the process was revisited in 2005, a total of 7 000 claimants put in applications for land allocation. What is more, the government revised land allocations to 1 hectare plots and through consultations with local leaders under the chairmanship of the Provincial Commissioner, Abdul Mwasserah, it was further agreed that the Mosop should share in the land allocation in equal proportions to the Soy. In other words, each clan would receive 866 parcels. It has been speculated that the belated inclusion of the Mosop in the scheme was a ploy by Serut to punish the Soy for having voted against the draft constitution in the 2005 referendum while at the same time rewarding the Mosop for their support (KLA 2007). It could be argued that after losing the political contest among his fellow Soy, Serut's support of the Mosop was an attempt to broaden his support base beyond his Soy clan.

A vetting committee was constituted, comprising among others five elders from each clan drawn from across the district. The decision to use elders as opposed to chiefs and government officers was aimed at minimising the corruption and nepotism that had dogged the previous allocations. It was also based on the assumption that the local elders would use their intimate knowledge of

the local community demographics and social dynamics to identify genuine applicants to whom land should be allocated. They could also use their traditional authority to secure the cooperation of the local community for the review process. One could also argue that having failed in previous attempts to resolve the land issue, the government's use of community elders was as much an exercise in public relations – to create a sense of inclusiveness in the process – as it was a strategy for shifting responsibility to the community itself in case of any failure.

There were strict criteria for allocation, including proof of Kenyan citizenship in the form of a national identification card; that no land be possessed elsewhere; physical residence at the scheme; and appearance in person before the vetting committee. Vetting began in January 2006.

The process among the Mosop proceeded smoothly and within a few days Mosop elders submitted a list of 866 families to benefit from land allocation. On the other hand, the identification of a similar number of Soy beneficiaries was highly politicised and problematic. Rival Soy politicians – MP Serut on the one hand and his rivals led by Fred Kapondi on the other – influenced the appointment of allies to the vetting committee, ostensibly to ensure inclusiveness and transparency in the land allocation process. Contrary to Serut's pre-election pledge in 2002 to resettle squatters on the basis of existing land ownership and settlement patterns, the government introduced balloting in allocating the 1 hectare plots. This could not guarantee the squatters to retain the plots on which they were already settled. Serut's rivals protested this decision and accused the MP of betraying the Soy, their allies withdrew from the vetting committee, and supporters boycotted the vetting process altogether. Serut took advantage of the withdrawal from the committee of his rivals' allies – which effectively handed over control of the vetting process to the MP's cronies – to influence the allocation of land to his supporters alongside those identified by Mosop elders.

In March 2006 a list of successful applicants for land allocation was posted at the offices of local administrators. Thousands of unsuccessful applicants – including some of those who had bribed authorities – protested this outcome. The members of the Soy clan who were opposed to the Mosop resettling in the Chepkurkur and Korng'otuny areas since they were not supposed to have been part of the scheme initially, were particularly dissatisfied. Besides complaints regarding the composition of the allocation committee (which was dominated by the area MP's cronies), there were widespread allegations of bribery with

claims that officers of the provincial administration had received money on behalf of members of the land allocation committee,16 double allocations and falsification of documents, fictitious beneficiaries, and political interference (KLA 2007).

An estimated 1 500 families faced eviction, many of whom had lived on the scheme since 1971. Some of these either did not fulfil all the requirements for allocation or, if they were successful, occupied larger pieces of land in the scheme and rejected the directive to give up part of their land for subdivision and allocation to other families. The latter category included a number of community elders, such as Patrick Komon and an 80-year-old Soy believed to be the SLDF's spiritual leader, Jason Psongoywo Manyiror, who reportedly owned 80 hectares each which they had already subdivided amongst their sons (*Daily Nation,* 17 May 2008). Once this group realised that they would face eviction or lose part of their land, they collected money to seek legal redress and, when this failed,17 channelled the money towards mobilising young people to defend their land.

FORMATION OF THE SABAOT LAND DEFENCE FORCE MILITIA

Patrick Komon's son, Wycliffe Kirui Matakwei, was among the young men who volunteered to take up arms and mobilise others to resist any evictions. This culminated in the formation of the ragtag militia group, the Sabaot Land Defence Force (SLDF), comprising young men predominantly from the Soy clan led by Wycliffe Kirui Matakwei. The SLDF's initial target was the Mosop, who they perceived to be favoured by the government in its land allocations, as well as the corrupt officials who had presided over the allocation process.

What began as a fairly commonplace skirmish took on a different aspect when a local official of the provincial administration, the chief of Kapkateny Location, Cleophas Sonit, was killed in June 2006 in his office. This was followed by the killing of an assistant chief called Shem Cherowo Chemuny, together with his daughter and two guards in August 2006. In January 2007 Ben Kipnusu, a councillor representing Chepkube ward, was killed (*East African Standard*, 17 January 2007). Sonit was related to Serut and refused to comply with SLDF demands while Kipnusu was the MP's supporter, and Chemuny one of the people implicated in bribery to influence land allocation. The militia's activities were concentrated in Kopsiro division where Chepyuk settlement

scheme is located and in Kaptama division where most SLDF commanders (including Matakwei) hailed from. The majority of land claimants in Chepyuk III originally came from Kaptama.

The militia became notorious for their ruthlessness and human rights violations, including physical assaults, abductions, rape, physical and psychological torture of their victims, murder of people perceived to be opposed to its agenda, and on occasion wiping out entire families. On 31 December 2007, a family of twelve was exterminated in Kimama village, and their land taken over by the SLDF and subdivided among militiamen. The militia also looted properties and attempted to impose their own administration in the area and to levy taxes as a strategy for sustaining their activities. Initially they demanded KShs 1 000 from every household as a one-off payment. Later they resorted to individual monthly payments levied according to an individual's level of income. People working in the district, such as teachers and civil servants, were required to pay over monthly amounts of between KShs2 000 and KShs5 000 as protection levy (Namwaya 2007). The militia also collected a certain amount of food produce for every unit area harvested, for example, each household was required to surrender a 90-Kg bag of maize for every acre harvested. The emergent 'insurgency economy' became a critical factor in drawing out the conflict by sustaining the lifestyles of militia fighters and by making the SLDF attractive to idle lower-class youths. The support of the so-called powerful individuals for the SLDF, however, may have had a moral and political rather than a financial dimension.

Although the militia initially defined their goals in terms of protecting the land rights of the Soy in Chepyuk III, the SLDF later broadened its mission and geographical scale to include '[getting] back community land, not just in Mt Elgon, but also the entire Trans-Nzoia that was forcefully taken from the community by the colonialists' (KLA 2007:11). My view is that this new position was intended to serve at least three purposes.

First, it served to draw the government's attention to the land dispute in Chepyuk III for which they had initially taken up arms. This became clear in a February 2007 television interview with Wycliffe Kirui Matakwei, who demanded then that the government move swiftly to resettle genuine squatters who had been evicted from their farmlands or else his militia 'would unleash violence in neighbouring districts to force the government to address [their] grievances' (*Daily Nation*, 7 May 2008).

Second, it was meant to engage with the more powerful narrative of historical injustices that was embedded in the history of Sabaot land struggles as a means of gaining greater legitimacy for their cause among the Sabaot. This would also transform the conflict from an intra-community conflict to a broader community grievance.

Third, and related to the preceding point, by invoking historical injustices as the motive behind its struggle, the SLDF sought to rationalise and sanitise its struggle and situate it within the national political and constitutional discourse on land. The land question, and especially issues related to compensation for historical land disinheritance, was one of the contentious issues that had led to the rejection of the draft constitution during the national referendum held just over a year earlier in November 2005. Ironically, this attempt by the SLDF to frame its cause in national terms made their struggle less tenable because it obscured the Chepyuk III land dispute for which there was a legitimate and more immediate underlying grievance. If this was a deliberate strategy, there surely must have been more knowledgeable people behind the SLDF, for these were issues beyond the comprehension of Matakwei (who was a secondary school dropout in his early thirties) and his militiamen – most of them very young and without a sound education – not just in terms of the historicity but also complexity. If, as the outcome of the 2005 referendum on the constitution demonstrated, issues of historical claims to land could not be resolved within a protracted and broad-based national consultative process, how could it possibly have been resolved at such a local level and in response to local demands?

STATE RESPONSE TO THE CONFLICT AND SLDF STRATEGY AND TACTICS

Initially the response of the state and its agents as well as the area MP was to dismiss the conflict as one resulting from incitement by irresponsible leadership, and the militia as a bunch of thugs and criminals who should be dealt with firmly and conclusively. It is this line of thought that made the matter a localised one, with the area chiefs tasked with the responsibility of ensuring that there was peace in their areas of jurisdiction. Subsequently curfews were put in place, to be enforced by the chiefs and administration policemen under them. This approach failed and the SLDF continued to spread terror and commit atrocities in Mount Elgon and in parts of Trans-Nzoia District.

For as long as the government continued to view the situation as first and foremost a security issue, it deployed more security personnel including special units such as the Rapid Deployment Unit, Anti-Stock Theft Unit and the paramilitary General Service Unit. The mission of these deployments, which totalled 650 officers, was to enforce law and order and arrest the militiamen threatening peace in the area. According to Mwasserah (2008:75):

> … a major operation to flush out those with illegal firearms was launched. 291 criminals/suspects [were] arrested, 24 raiders killed, 23 raiders and 13 civilians injured. One AK 47 rifle, magazines, 23 rounds of ammunition, crude weapons and military uniforms [were] recovered. Opening up of several police patrol bases and posts to help beef up security in the area [has been another strategy].

Despite these successes, the militia continued to outwit the security agents and to terrorise residents and commit atrocities against innocent civilians. Serut and his entire family were also targeted, because he had used his position to secure the inclusion of members of the Mosop clan in the third phase of the resettlement programme although they were not supposed to be part of it. He was also accused of ensuring that his cronies benefited from land allocation in the scheme. On 30 June 2007, his brother, Edward Kale, was murdered and on the night of 12 November 2007, Jeremiah Serut (another brother) and Milcah Serut (a niece) were also killed by the SLDF. Two other people, Protus Cheroben Chesebe and his wife, Beatrice Bwiba, died in the same attack (*Daily Nation*, 14 November 2007; *East African Standard*, 1 July 2007). At the scene of his brother's murder, Serut noted that 'the militias were operating with impunity despite the heavy presence of over 600 regular, Administration policemen, and members of the paramilitary unit General Service Unit'. Serut also complained that he himself continuously received threatening telephone calls (*Daily Nation*, 2 July 2007).

The militia employed various tactics and strategies that for a long time made it difficult for the security personnel to gain the upper hand (Namwaya 2007). One tactic was the taking of an oath and spiritual guidance, which were important components of overall SLDF strategy. The community's spiritual leader/prophet, called a 'laibon', administered the oath to all combatants and gave them special charms, ostensibly to bind them to the SLDF cause and

imbue them with supernatural powers that would protect them from authorities and enemy bullets during combat, making them invincible. In this regard the SLDF is similar to many other militia groups across Africa that have employed mysticism and the narratives of invincibility as an integral part of their modus operandi (see Muana 1997; Omeje 2005; Doom & Vlassenroot 2001).18 The confidence and psychological boost they derived from the oath and charms to some extent explain why the SLDF often sent information to its would-be targets ahead of time, telling them when they would strike. It also explains, at least in part, why many young people enlisted in the militia despite the state's determination to exterminate it. One member of the militia was quoted, for example, as saying:

> What has given us supernatural powers is God. We have even got to know who the members of the [special anti-insurgency security squad] are through God's powers. We shall also finish them through God's powers … They [the police] cannot arrest me. I am not a chicken to be arrested just like that. It is not easy and they will not manage (Namwaya 2007).

The role of prophets in war and other times of adversity is firmly rooted in the culture and military history of the Sabaot. The prophets' revered position in Sabaot society has been perpetuated by powerful myths and narratives about their past extraordinary deeds that project them as beings with mystic hereditary powers (Weatherby 1962). However, in recent times their elevated position has significantly diminished, and in my view the conflict in Mount Elgon presented the traditional leadership with an opportunity to re-negotiate their socio-political (and possibly economic) position in the community. With regard to economic space, the laibons were among the few people who had acquired large tracts of land in the scheme, suggesting that their cultural position was also associated with economic privileges. This raises questions of social justice and egalitarianism that are often associated with traditional African societies, and in particular the government view that involving elders in the land allocation process would resolve the land conflict.

In addition, SLDF fighters wore military fatigues and police uniforms and communicated in the national language, Kiswahili. As such the local residents could not easily distinguish them from regular security personnel and usually mistook them for the latter. They were thus able to carry out operations

concurrently with security personnel, especially at night, in which they would enter homesteads, harass people and beat them up, confiscate property and extort money from the villagers.

Contrary to the widely held belief that SLDF fighters lived in the forest, they actually not only lived amongst the local population, but most of them operated from their homes. They only assembled whenever 'there was a job to be done' – such as attacking a specific target at a specific time – after which they would merge with the civilian population again while security personnel would mount futile operations in the forest to hunt them down. When the SLDF attacked, they organised themselves in small groups of 10 to 12 people that made their movements difficult to detect. Only a small group – mainly the commanders and strategists, including former army and police officers – had specific bases and hiding places (such as caves on the forested mountain slopes). Here they had the advantage of being more adaptable to the terrain compared to the security officers.

Also, during operations SLDF fighters did not carry weapons for long distances. Rather the weapons were delivered to them at designated places within close range of the target, to which they returned them after the operation and from where they were transported back to the 'armoury' deep in the forest. It is claimed that people responsible for transporting the weapons disguised themselves as women, because their loads were rarely inspected.

Intimidation and threats of retribution ensured that fearful residents did not volunteer information about the militia's activities, let alone who its fighters were. As noted above, the militiamen lived amongst ordinary villagers and would probably have found out about betrayals from other locals.

The account above portrays the militia as an outfit with a clear organisational structure and chain of command. The militia consisted of three separate divisions, namely a military, a spiritual and a political wing. Yet it belies some internal contradictions and organisational deficiencies.

The militia did have within its ranks former army and police officers, such as David Sichei, who had been attached to the elite presidential security unit during the reign of President Moi and is reputed to have undergone military training in Israel. Sichei was reportedly responsible for military training for SLDF militiamen. However, despite the presence of such better trained and more experienced former military and police officers, the military wing of the militia was headed by Matakwei who had no previous military training or

experience. Thus, although he was reportedly the SLDF deputy leader and military commander and in charge of executing military strategy, Matakwei was not in command and control of the overall military operations and he 'usually froze when he took orders on his mobile phone' (Opala 2008). On one occasion Matakwei led his troops to attack a village in Trans-Nzoia soon after a ceasefire agreement had been brokered by religious leaders and humanitarian agencies working in the area. When he was asked why he had done so, Matakwei reportedly replied that he could not do anything about the raid because it had been planned before the ceasefire and he couldn't contact his seniors (Opala 2008).

Apart from the military wing, there was a spiritual wing which was central to SLDF military strategy. This wing was apparently led by Manyiror, the oath administrator. His revered position in society meant that he commanded respect among the local residents, at least initially, and as a result wielded influence among members of the community interested in political office. The spiritual wing played a central role in the SLDF operations by encouraging young men to enrol in the militia, assuring them that they would enjoy mystic protection and be invincible, and in rallying the community and politicians to the SLDF cause. This wing of the SLDF would also enjoy the highest regard of the militiamen, who needed them to predict what to expect in operations and how to avert danger.

The third wing of the SLDF was the political one. Believed to be the driving force behind the insurgency, this wing was at the same time the most elusive. Apart from its self-proclaimed spokesman, John Kanai, many politicians have been linked to the militia, but there is no hard evidence as to who the politicians or ideologues behind the SLDF actually were. The political wing is also believed to be the group that was financing the operations of the militia. However, as I have noted above, such financial assistance, if any, must have been limited, forcing the militia to engage in looting, extortion and illegal taxation of local residents. If there was any political propaganda to propound their cause, the political wing was the wing that generated it. However, apart from attempts to invoke historical injustices as a means of rallying the Sabaot to its cause and broaden their geographical scale of operations – the aim being to call the government's attention to the plight of displaced families in Chepyuk in whose name they purported to act – there does not seem to have been any particular ideological posturing and propaganda, and the SLDF's political goal was never consistent nor well articulated.

When the SLDF initially took up arms, the immediate demand was that the land issue in Mount Elgon be resolved and squatters who had been displaced from Chepyuk be resettled. The SLDF then realised that an administrative vacuum existed which they sought to fill by imposing their own order. Yet later they threatened to invade Trans-Nzoia and Bungoma to claim their ancestral land and at times Matakwei called upon the government 'to facilitate the issuance of [national identification cards], to reinstate sacked chiefs and [to] establish a peace committee' as a condition for him to lay down arms. He also alluded to political marginalisation when he revealed that the militia's decision to attack neighbouring Bungoma and Trans-Nzoia districts was a strategy to draw the attention of the government towards the plight of Mount Elgon residents because the two districts have full cabinet ministers (Barasa and Kimani 2007).

In a sense, the SLDF conforms to the fluid theory of militias, described as follows by Yoroms (2005:39):

> They may not have clear objectives, but they are significant or potential recruits for destabilising the state … [F]luid militias use the crudest means of terror to express their demands. They don't have tangible objectives but create self-fulfilment scenarios by inflicting injuries on the innocent populace.

Right from the start of the insurgency, Serut called the SLDF a bunch of thugs who were serving the political interests of his enemies. The political activities leading to the 2007 elections seemed to vindicate this claim when the SLDF harassed politicians opposing Orange Democratic Movement (ODM) candidates. However, it is not clear whether the involvement of ODM politicians with the SLDF preceded the electioneering period or whether the politicians realised the potential utility of force as a tool for intimidating opponents or even to enhance their own security and for that reason decided to embrace the SLDF. Possibly their cooperation was simply occasioned by a shared enmity of Serut. He was a long-standing political opponent of Kapondi, the 2007 ODM parliamentary candidate, and had been accused of influencing Kapondi's arrest and detention. The SLDF also accused Serut of interfering in the land allocation programme.

Despite its weaknesses and internal contradictions, the security personnel could not wipe out the SLDF for reasons ranging from their inability to gather

intelligence on the SLDF to the militia's operational strategies. These problems were compounded by the fact that the security personnel lacked specialised training in counter-insurgency. Frustrated by their inability to annihilate the SLDF and to stop their heinous crimes, the state's security personnel turned on the residents for withholding crucial information, treated all young men as suspected militia fighters and harassed parents to account for their sons' whereabouts. According to media reports and local human rights organisations, as well as the Kenya National Commission on Human Rights (KNCHR), this change in tactics on the part of the police resulted in widespread human rights violations. They allegedly tortured and killed innocent suspects, burnt houses in the settlement scheme where militiamen were suspected to be in hiding, looted property, extorted money from the residents, and sexually abused women (KNCHR 2008).

It became increasingly apparent that little was being achieved through police coercion and that the humanitarian situation continued to deteriorate, forcing the government to explore other avenues for resolving the conflict. Apart from security operations aimed at the militia, the government also mounted a manhunt for local leaders who were suspected of supporting the SLDF or sympathising with its cause. In particular, the police published and widely circulated pictures of the three 'most wanted' persons who were believed to be leaders of the insurgency. These were Matakwei, Kapondi and Nathan Warsama (a local councillor). Kapondi was arrested on 13 April 2007 and arraigned in court on charges of robbery with violence, allegedly for killing Jackson Kaibei Matei on 17 August 2006 after robbing him of KShs55 000 in cash and one cow worth KShs10 000 while armed with an AK47 rifle (*East African Standard*, 29 November 2007), wilful destruction of property, and promotion of war-like activities. Kapondi's position was that the charges were false and politically motivated and that he had no hand whatsoever in the activities of the SLDF. He accused the area MP of capitalising on insecurity in the district to harass his political opponents. He remained in police custody for seven months.

The provincial administration also started engaging with the local community and its leaders with a view to building trust between them and so enhance intelligence gathering on the activities of the militia and promote dialogue and peace in the campaign to resolve the conflict. On 24 March 2007 a meeting of 430 leaders from the two warring clans was held at a local school; on 28 March and 10 April 2007 meetings were held with elected councillors and former MPs;

on 3 April 2007 the local MP, the Minister for Lands and religious leaders held discussions at the provincial commissioner's office over the vexing land issue; and from 16 to 18 May 2007 another meeting was held in Kakamega (the provincial headquarters) with 49 elders and other stakeholders to scrutinise the lists of identified beneficiaries.

One of the outcomes of the peace meetings was the granting of amnesty to those in possession of illegal firearms and ammunition and the identification of places where these could be surrendered. In addition, a cash reward of KShs10 000 was promised for any weapon and ammunition that was surrendered to the police.19 However, by the expiry of the deadline not a single weapon or any ammunition had been handed in. Since oath administration was identified as an important driving force behind the militia's resilience, the provincial administration led by Mwasserah, also made efforts to engage with Soy cultural/ spiritual leaders, punctuated by personal pleas from the government's top representative in the province to the leaders. This recognition of the traditional leadership and authority as key actors in the restoration of social order validates my view that the conflict presented the spiritual leaders with the opportunity to re-negotiate their position in society. However, this in itself was potentially counter-productive and posed a challenge to conflict resolution, because peace portended an uncertain future for their newly acquired political status and, perhaps more importantly, their economic base – the large chunks of land they would probably have to relinquish (for which they had mobilised and blessed the militiamen to defend in the first place). It was unlikely that the government would allow a few individuals to occupy large pieces of land, when even after reducing plot size to accommodate a larger number of genuine squatters, 1 500 families remained landless. Little wonder then that not much progress was achieved in seeking to engage with the spiritual leaders.

However, while these initiatives failed to achieve desired outcomes, they signalled a change in strategy by the government in its determination to resolve the conflict. For the first time the government acknowledged that the conflict was not a mere breakdown in law and order as it had long alleged and neither was it confined to the land dispute. This became particularly apparent in the run-up to the December 2007 elections.

4 The 2007 political context as conflict escalator

The conflict in Mount Elgon escalated and took on more overt political and ethno-nationalist dimensions in the run-up to the December 2007 general elections. The SLDF allied itself with the opposition party, the ODM, and was fiercely intolerant of leaders and supporters of other parties, especially those from the ruling coalition that later became the Party of National Unity (PNU). The SLDF went so far as to intimidate and even execute PNU supporters. As a result of intimidation, two ODM civic aspirants, Moses Makoit of Cheptais ward and Nathan Warsama of Sasur ward, were elected unopposed. Serut supported the PNU, which was also the party the government favoured, and sought re-election at the 2007 polls on PNU ticket, at a time many prominent politicians from the region were changing to the ODM.

In November 2007 Kapondi, who was still in police custody, won the ODM party nomination to stand for Mount Elgon parliamentary elections the next month, by an overwhelming majority. This sent a clear message to the government, because he won even though he did not campaign for nominations and even as they were casting their ballots for him, his constituents were uncertain whether he would be available and eligible to contest the general election.20 Just a few days before the general election the state withdrew its case against

him. To Kapondi this confirmed his position that there had been a political motive behind his arrest and he challenged the state to continue with the case, declaring that 'he was determined to go all the way to know why [he] was arrested' (*East African Standard*, 29 November 2007). Kapondi easily won the elections, defeating the incumbent MP and ruling PNU party candidate and his arch rival, Serut, to become the new MP for Mount Elgon.

This development had important ramifications at both the local and the national levels. Locally, it implied a shift in power relations and access to national resources in favour of the Soy. Given the history of patronage in respect of land in the district, and Kapondi's previous efforts to further the land rights of the Soy clan in particular, the new political dispensation heightened expectations among the Soy especially those allied to Kapondi that they would be able to regain their land. On the other hand, the Mosop and Serut's Soy supporters feared exclusion and they and other non-Sabaot in Mount Elgon and neighbouring districts feared that Kapondi's victory would embolden the SLDF and worsen their persecution and that he would use his new position to protect the militia. Persistent refusal by two SLDF leaders, Matakwei (deputy leader and top military commander) and John Kanai (political spokesman), to disclose the identity of the real leader of the militia fanned speculation that some powerful people, including the newly elected area MP whom the SLDF had fiercely supported in the elections, may have been behind its operations and were providing financing. Others were said to include councillors (among them Makoit and Warsama), former MPs and local professionals, although all of them repeatedly denied any involvement in the SLDF.

After the declaration of the PNU's candidate, Mwai Kibaki, as the victor in the December 2007 presidential elections - which ODM believed its candidate, Raila Odinga, had won - violence broke out across the country, especially in the ODM strongholds of Rift Valley, Coast and Western provinces, and parts of Nairobi. Because, as was pointed out earlier, politics in Mount Elgon closely mirrors that of Rift Valley Province, this situation worsened the violence in Mount Elgon, which had overwhelmingly voted for the ODM. While the proximate cause of the conflict in Rift Valley might have been the election dispute, the underlying cause was the longstanding and entrenched land question. That a national election dispute would aggravate local conflict relates to the fact that, as elsewhere in Africa, 'outcomes of struggles over the meaning and allocation of property rights will be shaped in part by who manages to win political power at the national level'

(Boone 2007:558–559). The fact that they had lost the resources (token though they may have been) of which the patronage of Daniel arap Moi assured them after his exit from power, was not lost on the residents of Mount Elgon; even the Chepyuk Settlement Scheme was expanded during Moi's tenure. This situation was exacerbated by the fact that while the Soy overwhelmingly supported Kapondi, the Mosop supported Serut. Members of some of the non-Sabaot communities, especially the Bukusu (a Luhya subgroup), were also labelled as 'political enemies' for supporting the PNU and the Forum for the Restoration of Democracy-Kenya (FORD-K), which had joined forces with other parties under the PNU umbrella.

Sporadic though its activities may have been, the SLDF left a trail of destruction, deaths, displacements and social disarticulation that also decimated people's livelihoods. Human rights organisations operating in the area have documented a wide range of human rights abuses and estimates that over 600 people died, more than 100 were abducted and over 30 were maimed. The militia's maiming signature took the form of chopping off their victims' ears, especially those of young men who refused to enlist with the militia or supported candidates other than those favoured by the SLDF leadership.21

There are accounts of how SLDF militiamen armed with guns and machetes broke into people's houses in the early morning hours, beat up their victims, and commanded them to hand over money and other valuables. They also destroyed property, torched houses, and blindfolded and abducted men, often telling their victims' spouses that they would never see their husbands again. These men were taken to the forest, where they were tortured and sometimes killed. A survivor described his experience thus:

> I was woken up by a knocking at the door. I opened it and there were guns and torches staring at me. They rounded up my cows, beat me and stabbed me as we walked. When we reached the bush they tied me by my feet to a tree, my head hanging down. There were others hanging also. They beat me very badly and said: 'Either surrender all your possessions including your land or you die now'. I told them to take it. They cut off my ear as a mark, then they made me eat it. I crawled home, I could not walk (Human Rights Watch 2008:1).

Not all SLDF victims were as 'lucky' though, and many are said to have died and their bodies dumped in the forest. According to one woman, after her husband

was abducted she only learned about his fate 'when a man she knows to be a member of the SLDF gave her a pile of the clothes he was wearing when he was abducted and said, simply, "sorry" ' (Human Rights Watch 2008:1). According to Human Rights Watch, an area chief also recalled that five bodies of people who were opposed to the SLDF were found in his area 'with their throats cut' one morning. The SLDF also allegedly raped their victims, both men and women, sometimes in turns, and forced their victims to have sex with one another as well. A police spokesman confirmed that on 4 April 2008 the police rescued three women who had been raped and tortured by a gang in the forest after being abducted (*Daily Nation,* 6 April 2008).

The extent of SLDF atrocities came to light when mass graves believed to be those of its victims were uncovered in March 2008 at three different sites in the forest (*Daily Nation*, 25 March 2008).

EMERGENCE OF COUNTER-INSURGENCY MILITIAS

After repeated attacks by the Soy-led SLDF, the Mosop organised their own defence despite the presence of security apparatuses and the establishment of three police bases in the area (at Chepyuk, Kipsikrok and Kaimugul). Apparently the murder of a respected Mosop elder and retired chief, Tenderesi Temoi, precipitated the formation of a counter-insurgency militia called the Moorland Defence Force (MDF). As the name suggests, the MDF operated in the moorlands high in the mountain from where the Mosop had been relocated early on and to which they fled after attacks by the SLDF. One of the MDF fighters who explained their reasons for forming the MDF pointed out that the police bases did not protect them from the SLDF militia. 'They continued raiding us and we became desperate, leading to the creation of MDF' (Luchuli 2008).

Like the SLDF, the MDF had retired military officers in its ranks who trained the youths in various aspects of combat. The Western Province Commissioner denied the existence of such a militia, saying only that those who had been in possession of illegal firearms from the area which was alleged to be under the control of the MDF had surrendered their weapons to the state. However, a local religious leader, the Reverend Stanley Taboi, conceded that the Mosop took up arms but did not do so to fight innocent people but to defend themselves from SLDF aggression (Luchuli 2008) and that MDF fighters had surrendered their weapons because they supported the military operation against the SLDF.

Another militia group that was formed in a desperate attempt to defend people targeted by the SLDF (especially members of the Soy clan allied to Serut) was called the Political Revenge Movement. Nothing much is known about this group, except that it is associated with close friends of Serut and that, like the MDF, it is based deep in the forest. Members of this militia are said to have been among key informers and associates of the army during operations and that they helped to identify suspected SLDF militiamen (KNCHR 2008) especially with regard to computer/satellite screening of individuals who had used or held guns (see IMLU 2008).

'NATIONALISATION' OF THE CONFLICT AND THE DEPLOYMENT OF THE ARMY

The government realised that the militia was bigger and more organised than it had initially realised, against a backdrop of a worsening humanitarian crisis and potentially destabilising post-election violence across most of the country. In an unprecedented action, the government called in the armed forces to restore law and order in Mount Elgon.

From a small group of less than a hundred fighters at the beginning of the conflict, the SLDF had grown to a formidable force. In March 2008 Wycliffe Kirui Matakwei,22 claimed to be commanding a force of 35 000 men, a figure that was obviously overstated. Nevertheless, the Western Kenya Human Rights Watch (2008), an organisation that has been working in the district since the onset of the conflict, has estimated the size of the militia to be 3 000 men, by no means a small outfit. Initially, recruitment was voluntary but later on the SLDF demanded that every Soy family make at least one son available for training and duty. Those who failed to do so were fined by between KShs30 000 and 50 000 or several cows in lieu of the money (Namwaya 2007).

The link the new ODM MP - and by implication the ODM party - supposedly had with the SLDF also had a bearing on the national politics of the time and in turn, in my view, on the decision to deploy the army in Mount Elgon. As the standoff between the PNU and ODM persisted over the presidential results and post-election violence escalated,23 militias on both sides of the political divide started forming in different parts of the country in what was feared to herald the country's degeneration into a civil war. Given the geography of Mount Elgon District – both as a mountainous forested area and as a

border district – on the one hand, and the fact that the SLDF was an organised outfit that predated the post-election violence and demonstrated its tenacity in the preceding 18 months, it is reasonable to suppose that the PNU government feared that the SLDF could be used by the ODM as a launching pad for an insurgency. In my view, this fear and the general desire to demonstrate its strength and resolve to crush any rebellion that could threaten peace in the country, rather than a desire to restore peace in Mount Elgon itself, were the primary motives for the government's decision to deploy the Kenyan armed forces in the area in March 2008. However, there were other reasons for the decision, such as the SLDF's threat to invade the Trans-Nzoia and Bungoma districts, the counter-insurgency militias that were forming, the widespread post-election violence which had stretched the police force's capacity to restore law and order to the limit, and the lack of specialised training in counter-insurgency operations on the part of the police.

The army set up a base at Kapkota in Sasur location of Cheptais Division and launched its operations, code-named Operation Okoa Maisha ('Operation Save Life'), on 10 March 2008. The choice of location for the military base was based on the fact that many SLDF leaders and commanders hailed from the area. The military used both ground operations and aerial bombardments by means of helicopter gunships to targeted suspected SLDF sites in the forest and in caves. They cordoned off the area, restricting access by the media and on occasion, humanitarian agencies. Two Nation Media crew members - journalist Sammy Cheboi and cameraman Hillary Obinda, who dared to breach the ban and venture into the area to cover the operation – were beaten up by army officers and their camera was confiscated and footage deleted before they were escorted out of the area (*East African Standard*, 16 March 2008). In a bid to apprehend the SLDF fighters - given the intelligence-gathering challenges referred to above - the army applied brutal force to extract information from the local residents. This involved rounding up all the males in the district for interrogation, which the media and human rights organisations claim involved heinous acts, including torture, mass detentions, forced confessions and extrajudicial killings. According to Human Rights Watch (2008:4):

> The army's principle strategy to flush out the SLDF in Mt Elgon has been to arrest every single male over the age of 15 in the area, and 'screen' them at a military base called Kapkota in Cheptais Division … At the time of

arrest, and later when in detention at Kapkota, detainees are routinely beaten, and some have died as a result.

It was alleged that the army, like the SLDF before them, raided homes at dawn and abducted men, some of whom were tortured and killed and their bodies either dumped in the forest or taken to the mortuary in Webuye or Bungoma. According to Human Rights Watch (2008:3; citing a report by Western Kenya Human Rights Watch), 13 bodies had been taken to the mortuaries by 4 April 2008 and 'showed obvious visible signs of torture such as welts, bruising, swollen faces, broken wrists and rope burns around the wrists'. In what was interpreted as a validation of claims of torture by the military and the police, relatives of the dead who wanted to collect bodies of their kin would reportedly be asked by the police to swear an affidavit to the effect that they would not lodge any 'claim of any nature against anyone or the state pertaining the death' of their kin (Human Rights Watch 2008:3). The organisation had also documented 23 cases of missing people who had been taken away by the military and were believed to be dead.

> Claims of torture by the military were brought to light when a 31-year-old Mount Elgon resident, Musa Olokoit, narrated his ordeal at the hands of the military to the media on 2 April 2008. He had scars on his body that had allegedly been inflicted by military personnel and claimed he had been picked up by the military on 16 March 2008 while working on his farm on suspicion that he was an SLDF militiaman. When he tried to explain that he was not, the officers beat him in front of his wife and children using 'all manner of weapons, including dog chains, horse pipes, metal pipes and sticks, while others kicked [him] in the head, chest and ribs'. He further recounted that the military officers beat his wife and 'left her sprawling on the ground' when she tried 'to show them [his] work certificate as proof that [he] was engaged in gainful employment and therefore not a fighter'. He was then forced into an army truck and taken to Kapkota military camp. Along the way more suspects were taken and continuously beaten and Olokoit claimed that some of them died from the beatings. On arrival at the Kapkota military base Olokoit was unable to walk and was forced 'to crawl on his knees for 80 metres on the stony, gravel road to the point where the rest of the suspects had been herded'.

> According to Olokoit 'There were about 400 people, mostly youth, at the camp and they all were weak. All of them were bleeding profusely. Some had lost consciousness and were simply lying on the ground, flies hovering over them. I think they were dead' (*Daily Nation*, 4 April 2008).

High-ranking officers in the military (including the Chief of General Staff, General Jeremiah Kianga and his deputy, Lieutenant General Julius Karangi), the provincial administration (including Mwasserah), and the police (through police spokesman, Eric Kiraithe, and the Commissioner of Police, Major General Hussein Ali) have vehemently and repeatedly denied allegations of torture and challenged any complainant to present evidence to the police for investigation.

Similar allegations of torture by the military were, however, confirmed by the government's own human rights body, the Kenya National Commission on Human Rights, on its fact-finding mission in the area. Cheptais residents described the interrogation tactics as follows (KNCHR 2008:11):

> The military officers went to the village on the 13th March 2008, rounded up all the men and told them to go to their base to confirm that they did not have guns, and neither had they held guns. They were then bundled in the military trucks and taken to Kapkota. On arrival they were all ordered to strip naked and crawl through a razor wire and while still in the razor wire they were whipped so that they would own up as to where the guns were hidden. After the razor wire ordeal, they were told to lie on their backs and thoroughly whipped using sticks … they were slapped very hard by the officers and then told to slap each other equally hard.

Witnesses also described how the military officers pulled and crushed people's genitalia to force them to confess, and how they executed people and took away dead bodies by helicopter, which was always on standby, and then dumped them in the forest. A chilling account was also given by a victim who described how the officers hung him upside down on a moving military helicopter 'for almost five minutes until he went unconscious. When he regained consciousness, he was still hanging upside down, this time on a tree in the forest' (KNCHR 2008:12).

In response to KNCHR's report on torture claims, the Chief of General Staff, General Jeremiah Kianga, stated that 'members of SLDF are surrendering

in large numbers. Why would they do that if they were being tortured?' (*East African Standard*, 23 May 2008). The fact that half of the weapons that had been recovered during the operation had been voluntarily surrendered by members of the public was further evidence that the army was operating above board and enjoyed the support of local residents, according to Kianga. However, the restrictions and ban on the media in the area and harassment of journalists there indicate that the government was not prepared to disclose what was actually happening in Mount Elgon.

Although the deployment of the military was thus initially welcomed by local residents who had suffered at the hands of SLDF militiamen (KNCHR 2008), the systematic terror visited upon them by the military (which was supposed to protect them) exacerbated the misery and hopelessness of the local residents. It also led to a further displacement of an estimated 5 000 people in the first month of its operation alone and about 600 reportedly fled to Uganda to seek refuge (*Daily Monitor*, 17 March 2008). This increased the threat to regional security, as some militiamen also fled the area to Uganda as well as West Pokot24 and Eldoret in the North Rift area (*Daily Nation*, 8 April 2008).

On 5 April 2008, just under a month into the operation, the police spokesman disclosed that 2 militia commanders had been killed, over 1 735 suspects arrested, 1 324 interrogated and released, 374 arraigned in court and charged with various crimes, while 37 remained in policy custody. Further, 41 AK47 assault rifles and over 1 000 rounds of ammunition had been recovered (*Daily Nation,* 6 April 2008). The police in Eldoret had also arrested Manyiror, the SLDF spiritual leader and oath administrator (*Daily Nation*, 8 April 2008). However, Matwakei and other senior commanders, among them spokesman John Kanai, remained at large. Councillors who were also interrogated included the chairman of the Mount Elgon county council, Benson Chesikak of the Emia Ward, Joab Kipnusu of the Chongoiywo Ward, and a former Mount Elgon county council chairman, Reuben Ndara.

According to the government the above statistics were evidence that the military operation was succeeding in restoring order and peace in the area. Mwasserah stated 'Since the inclusion of the military in the operation, we have not lost any lives. This shows that we are moving towards finding a lasting solution to the crisis' (*East African Standard*, 9 April 2008).

However, the event that was celebrated as the biggest victory by the military and seen by the government as the beginning of the end of the conflict occurred

on 16 May 2008 when the army gunned down Matakwei together with 12 other fighters. Police spokesman Eric Kiraithe described the incident as 'a positive step in their efforts to provide security' (*East African Standard*, 17 May 2008). Indeed, many militiamen have since surrendered, bringing the estimated total that has surrendered since the beginning of the military operation up to the end of May 2008 to over 70.25

The government continued to treat the conflict primarily as a security issue whose solution was military intervention, as the provincial commissioner's revelation that the government was planning to establish a permanent military base in the area that would 'help to ensure there is lasting peace in the district' shows (*East African Standard*, 6 April 2008). Moreover, the provincial administration held a series of meetings with local residents and leaders, not as a means of finding common ground for addressing the root causes of the conflict, but mainly to extract information that would lead to the decimation of SLDF militiamen.

ACCOUNTING FOR THE MILITARY SUCCESSES

Cracking down on militias has never been an easy undertaking for conventional armies and not many people expected the situation in Mount Elgon to be any different, especially in the light of the SLDF's demonstrated tenacity against security operations during the previous 18 months. Yet in just under two months the army registered impressive successes against the SLDF, underlined by the killing of its deputy leader and top military commander, Matakwei. The successes can be attributed to various factors. First, unlike earlier security regiments, the army was trained and equipped for combat. While the militia initially had the upper hand and retreated to the forest and into the caves in a terrain they mastered and were better adapted to compared to the police, the army eroded the strategic advantage of the terrain and impenetrability of the forest by deploying air power and using bombs and rockets, forcing the militiamen to abandon their hideouts or decimating them there.

Second, by cordoning off the area after launching the counter-insurgency operations and through cooperation with the Ugandan authorities, the SLDF was cut off from military and other supplies, they could not escape from the area, and their geographical area of operation was constricted. Hence the militiamen were cornered and killed leaving the remainder with no option but

to surrender. In addition Uganda, herself engaged in an unending war with the Lord's Resistance Army, was careful not to allow any situation that would further compromise its own security. Any spillover of the Mount Elgon conflict into Ugandan territory could have this result and so militiamen who attempted to escape across the border were arrested and handed over to Kenyan authorities. As was noted earlier, the militia had a weak financial base, which is why they resorted to illegal taxation of local residents in the first place. When this was no longer possible, they were unable to acquire supplies which speeded up the collapse of the movement.

Third, because of the atrocities they committed, the SLDF lost the support of the local residents. Added to the heightened security operation and the brutal force that was reportedly associated with it, this meant that local residents more readily volunteered information to the army. Fear of retribution by the militia was less because the group was on the run, but on the other hand fear of themselves being rounded up as suspects by the army increased. The lack of local support also meant that the militia had nowhere to hide.

Fourth, an aspect of the army's interrogation and screening tactics that contributed to keeping the militiamen away from the villages and forced them to remain in the forest and hideouts (which made it easier to target them) involved purported computer/satellite screening of suspects that would detect anyone who had held a gun. An investigative report by Independent Medico-Legal Unit (IMLU 2008:8) described the screening process as follows:

> [Suspects] were taken to a nearby camouflaged vehicle and asked to look up and shout their name. Unknown to most of them, some informers had hidden in the vehicle amidst the bushes and trees to identify those they believed to be members of Sabaot Land Defence Force … Their identity was revealed when the wind blew their cover and their faces were positively identified … At this screening stage some were branded as 'red' and taken through another session of torture others branded as blue were subsequently set free.

The important point here is that word spread that the army would catch up with anyone who had used a gun or held one, using a sophisticated computer-based screening technique. Thus, unlike earlier times when the militiamen attacked and then merged into the local population, the prospect that they would be

rounded up alongside other residents and be subjected to random screening forced SLDF fighters out of the villages into hideouts.

Fifth, the army also benefited from the collaboration with counter-insurgency militias, namely MDF and Political Revenge Movement, to identify SLDF members from their midst. Moreover, by operating deep in the forest and up in the moorlands, the counter-insurgency militias also prevented the SLDF from unhindered use of extensive forest cover and prevented retreats into the mountains which would have limited the army's effectiveness.

Last, the surrender, arrest or death of top SLDF leaders during the early stages of the operation demoralised its fighters so that the militia crumbled. Those who surrendered provided information on the operations of the SLDF, leading to successful ambushes. In addition, the arrest of Manyiror discredited the so-called mystical powers attaching to the oaths that further demoralised the fighters who had believed that the oath and associated charms would make them invincible against their enemies. It would be difficult to sustain the morale of such fighters, let alone have others join their ranks, if the oath administrator himself could not escape the security dragnet. But it is perhaps the killing of Matakwei that dealt the SLDF the severest blow. Their army was without a commander.

The military successes notwithstanding, in my opinion lasting peace can only be achieved in Mount Elgon District if the root causes of the conflict are addressed and the complex web of factors that configure the landscape of conflict in the area are understood. My premise is that if well managed and no gross human rights abuses occur, military intervention should serve the immediate purpose of restoring law and order not as an end in itself but as a means of creating an environment in which these causes can be addressed. Ultimately, this should lead to an expedited broad-based, inclusive, consultative and transparent land resettlement programme.

5 Root causes of the conflict

My analysis of the conflict highlighted historical injustice related to colonial disinheritance of the Sabaot communal lands and to competition over the scarce land resource in the post-colonial era, caused in part by inequitable distribution and access patterns but also as a result of demographics, as the root causes of intra- and inter-community tensions and conflict escalation in Mount Elgon District. However, other factors have added to the insecurity and potential for conflict escalation in the area. These include a history of violence and militarisation in the area due to the availability of small arms and light weapons (SALWs); intra- and inter-community rivalry and ethno-nationalist politics; insecurity/uncertainty of land tenure; geography and structure of the local economy; and feelings of marginalisation and declining state presence in the region.

HISTORICAL INJUSTICE

The conflict in Mount Elgon District is in many ways a culmination of a long history of the Sabaot community's struggle against historical injustice in the form of colonial disinheritance of their ancestral land without compensation by either the colonial government or successive post-colonial governments.

Previously, the struggle has been expressed through exclusivist ethno-national-ist politics and episodic aggression against non-Sabaot in Mount Elgon and Trans-Nzoia districts. The failure by successive post-colonial governments to address the land question in a comprehensive, inclusive and pro-active manner has, as in many other parts of the country, aggravated the problem with the passage of time. Such a plan should have been worked out before the initial re-location of members of the Mosop clan from Chepkitale trust land and should have provided a road map for not only compensating members of the Sabaot community in general (including the Soy) who had been displaced by the co-lonial government, but also for resettling those who remained without land in the Mount Elgon region, taking into account equity, availability of land and the environmental imperative.

By following a reactive and piecemeal approach whereby the government 'assisted squatters with land' after petitions and lobbying by their leaders, the government set in motion a process of endless and cyclic petitions and counter-petitions, which in turn led to allocations and annulments of previous alloca-tions as well as evictions. The approach also created artificial land scarcities and made political patronage the surest way to communal (as well as individual) access to, and ownership of land. This laid the groundwork for intense competi-tion both between the various social groups and among the local political elite for patronage resources at the national level. The whole process led to feelings of injustice, favouritism and even exclusion.

Given the intensity of injustice felt especially by those with a genuine his-torical grievance like the Soy, the state's approach exacerbated intra- and inter-community tensions in the area and politicised the land issue, making it all the more difficult to resolve. The state's use of violence as a means of suppressing re-bellion against perceived injustices in the land allocation process is potentially counterproductive because it further marginalises the Sabaot and jeopardises prospects for resolving the issue by enforcing or validating inequitable patterns of land access, control and distribution. It did not help matters that the mili-tary used heavy-handed tactics on local residents and was accused by residents, human rights organisations and the media of widespread human rights viola-tions to perhaps an even greater extent than the SLDF they sought to eradicate.

In particular, given the difficulties in distinguishing the Soy from the Mosop, and in particular between members of the warring Soy factions, on the one hand, and the army's modus operandi that bordered on branding all adult

males as suspected SLDF militiamen on the other hand, the crackdown on the militia to a great extent served to blur the differences between the two clans as well as the Soy factions and to recreate a sense of communal solidarity based on the new metaphor of persecution by the state. It is not surprising that local leaders have invoked this metaphor and argued that the state and its agents had deliberately embarked on an informal agenda of annihilating their entire communities. In an article he wrote in the *Daily Nation*, for instance, Kapondi (2008) noted:

> In the Mt Elgon operation, anybody who was Sabaot was a suspect while a non-Sabaot was innocent. This forced many of our people to masquerade as Bukusus to escape arrest … *this phenomenon where a community suffers mass incarcerations at the hands of the state* [own emphasis] is not peculiar to this generation.

Regardless of the truth of such claims, they are sometimes employed by the leaders in pursuit of personal interests and the very fact that they are made usually complicate any attempts to determine the root causes of the conflict and therefore find long-term solutions. As the activities of the SLDF and the attitudes of local leaders towards government efforts at resolution have demonstrated, popular sentiments of marginalisation and state-orchestrated persecution are likely to increase criminal and political violence. Furthermore, if the two forms of violence are confused, it will result in wrong prescriptions for the problem. Quite often it also undermines the cooperation of both leaders and population, especially when it comes to exposing the criminal elements within the communities. This explains, on the one hand, why the state pushed for a military solution in the first place and, on the other, the resilience of the SLDF against the security agencies, especially before the deployment of the army in the area.

LAND SCARCITY

My argument that land scarcity is a major factor in the conflict is borne out by two incidents. First, when the Mosop were first relocated from Chepkitale to Chepyuk, no conflicts were reported between them and the Soys. In fact, it has been suggested that after the establishment of the Chepyuk settlement scheme and the Mosop's relocation there, it is the Mosop who invited their Soy

counterparts (about 300 families initially) to the area so that they could together claim the whole territory. Apparently the elders of the two communities even agreed on the boundary between them. Second, relations between Sabaot and non-Sabaot were not only cordial when Sabaot thought there was sufficient land in the initial stages of settlement but many Sabaot families invited non-Sabaot to assist in clearing the forest for settlement, for which many received a share of the cleared land.

Land scarcity as a factor in the conflict has manifested in various ways, but the inequitable distribution of land was the factor that fed intra- and inter-community competition, tensions and eventual conflict most profoundly. The supply-induced scarcity of land can be viewed in terms of the government's role as the 'monopoliser' and 'allocater' as well as 'gatekeeper' of access. For instance, the establishment of the game reserve at Chepkitale in 1968 took up a substantial part of Chepkitale trust land, reducing the available grazing area of the Mosop and restricting their access to forest resources that formed an important component of their livelihood. This action by the government are what sparked protests and agitation by the Mosop, eventually culminating in their down-slope relocation that in due course resulted in tensions between them and the Soy and souring of the cordial relations between the two groups. I have also noted that the government moved the Mosop from 35 000 hectare land in Chepkitale to a 6 500 hectare scheme.

Supply-induced land scarcity as a source of conflict can also be seen to stem from the government's decision to exclude non-Sabaot from the re-settlement programme and on occasion evicting those who had bought land. This had at least two effects. First, it left many families landless and destitute and reinforced the feeling among the Sabaot that Mount Elgon belonged exclusively to them. Second, and related to the first point, it increased Sabaot determination to root out non-Sabaot from their midst.

On the other hand, demand-induced land scarcity arose from both natural population growth and migration. The rich agricultural soils of Mount Elgon District obviously attracted farming populations from especially the larger Bungoma District. This process was also helped by the need, on the part of the Sabaot, for labour in clearing forestland for settlement. A related dynamic that presented serious challenges to the process of land allocation involved the multiplication of family members among intended beneficiaries, as children of the families that were initially supposed to benefit from land allocations also

started families of their own. The challenge stemmed from the fact that land was allocated per family, but the state always procrastinated in finalising land allocation programmes. As a direct result of this demographic process, vetting committees in all three phases of the resettlement programme were invariably overwhelmed with applications. Many people, including genuine claimants, lost out in the process.

As was mentioned earlier, inequitable access to, and ownership and distribution of land played a major role in the conflict. These resulted from government actions which often had underlying power relations and patronage dynamics. During his presidency, Daniel arap Moi allocated land and even annulled previous allocations depending on the political leverage of community representatives and various local factions. This often occurred without any objective audit and appraisal of petitions from the different communities and environmental implications of such actions. Allegations of corruption, political interference and nepotism have marred all phases of the resettlement programme. Some people have benefited from land allocations at the expense of others, while some legitimate claimants have been evicted, adding to the resentment and tensions. This in turn led to the politicisation of land as local politicians exploited the land issue in Mount Elgon for political gain as either defenders of their people's land rights or as dispensers of the scarce resource.

The process of land allocation itself, the procrastination surrounding it as well as the fact that it has for most part not been conducted in a fair and transparent manner have all contributed to the conflict. The government took too long to allocate land after apportioning parcels along community lines and deciding on the number of beneficiaries and size of allocations per family. Without a transparent vetting process and mechanisms for preventing illegal use of land and punishing the perpetrators, and in the absence of a system of verifying the status of land earmarked for resettlement – whether the land was vacant or occupied – it is little wonder that government procrastination created room for people to move on to the land, allocate plots to themselves and even trade in them. As was mentioned above, because of the time lapse between establishment of settlement schemes and official allocation of land natural increases in family size occurred, creating demand-induced scarcities.

These processes had various consequences that replicated in all the three phases of land allocation. To begin with, by the time the government started the process of allocating land, the eligible families always were more than those that

had initially been considered. Second, land allocation meant that some families, including those (from the Soy and Mosop clans as well as migrants who were not supposed to benefit but had either allocated themselves land or purchased or leased land from earlier settlers, were evicted. This rendered many landless and homeless increasing the number of impoverished. The result was feelings of bitterness and injustice, and accusations of favouritism which intensified intra- and inter-community tensions between evictees and latter allocatees. Third, illegal self-allocation of land by the landless whenever they were evicted became routine, further complicating the subsequent land allocation process.

On the whole, the process of land allocation in Mount Elgon and the inequalities resulting from it, with the underlying political patronage and corruption and favouritism by government officials, demonstrate the internal contradiction of the African state: which, as a result of rivalries and competition among the social forces which define it – in this case competition among elite from the same region for patronage resources – in itself becomes a source of conflict, adding to the challenges to resolve it (Obi 1999:58).

6 Other factors in the conflict

While issues surrounding historical injustices and intra- and inter-community competition over and inequitable distribution of the scarce land resource were major factors in the conflict, they are by no means the only factors. On the contrary, there are a host of other factors that interacted with the two main issues to configure a landscape of conflict in Mount Elgon District. It is to those factors that I now turn.

A HISTORY OF VIOLENCE AND MILITARISATION

Mount Elgon has a long history of conflict and inter-tribal warfare, manifested mainly as cattle rustling (involving the Sabaot and their Sebei cousins from Uganda, the Pokot, the Karamojong, etc). Indeed, accounts indicate that warfare has historically been imbedded in the landscape and cultural structure of the Sabaot community and that the territorial military organisation was just as important an integrating factor of the community as were other sociological features like the tribal age-sets and the clans (Weatherby 1962). The Sabaot have over the years consistently been viewed as a war-like community of cattle rustlers by their neighbours. However, although cattle rustling in the area

continues, albeit to a lesser extent, in recent times conflicts in Mount Elgon have also occurred over a multiplicity of issues, including political competition, administrative boundaries and land.

Before the current conflict, the escalating violence accompanying the agitation for and re-introduction of multiparty politics in the early 1990s had been a particularly ominous occurrence. Then the conflict was attributed to ethno-nationalism in the context of competition for the control of the state. Admittedly, the Mount Elgon clashes then conformed to a general pattern of ethnic cleansing, or ethnic clashes', that occurred throughout the country, in areas such as Molo, Olenguruone, Burnt Forest and Likoni. Ethnic communities sympathetic to the ruling KANU party, and especially the Kalenjin cluster to which President Moi belonged, and of which the Sabaot of Mount Elgon are part, allegedly instigated ethnic clashes in areas they dominated to get rid of opposition supporters and so disenfranchise them in favour of KANU and President Moi in the 1992 general elections.

The Sabaot of Mount Elgon District were open to such political manipulation both because of their close ties to the Rift Valley's dominant Kalenjin ethnic cluster and their grievances over land. Thus in the context of the politics of the time, the Sabaot resorted to violence in defense of President Moi's regime and in return expected him to grant their wish for a district. They also wanted to reclaim their land from migrants by evicting them. Many non-Sabaot, in particular Bukusu, had moved into the area in search of fertile agricultural land, which they purchased from the Sabaot, while others came from the neighbouring Trans-Nzoia District and purchased land there or settled illegally along forest fringes. In the conflict that ensued, the Bukusu, a sub-group of the Luhya ethnic community who supported the FORD-K party, were the main targets.

The first clashes between the Bukusu and the Sabaot occurred in November 1991. By early 1993 Sabaot warriors, helped by their Sebei cousins they hired from across the border in Uganda, had carried out several attacks against Bukusu, including torching their houses, taking over their land, killing over 24 people and injuring many more, and displacing over 2 000 people (Human Rights Watch 1993). In areas where the Bukusu dominated they reciprocated with revenge attacks against the Sabaot. By mid-1995, 6 500 families comprising an estimated 40 000 members had been displaced (Kenya Human Rights Commission 1996). The violence and its consequences illustrate once again

the nature of the state in Africa. The sheer power of state machinery and the absence of legitimate channels of expressing divergent opinions found expression in violence. During the political transition from colonialism individual candidates mainly focussed on their own political survival, often at the cost of local as well as national interests and peace.

AVAILABILITY AND PROLIFERATION OF SMALL ARMS AND LIGHT WEAPONS (SALWS)

The history of violence has contributed to militarisation of the area as local residents buy weapons either for self-defense or for carrying out operations of their own. This has been facilitated by a proliferation of SALWs along the Kenya-Uganda border following many years of instability and war in Uganda. The protracted conflict in northern Uganda between the Lord's Resistance Army led by Joseph Kony and the Uganda government forces means that such weapons are generally in circulation and because of the porous Kenya-Uganda border find their way into the Mount Elgon region.

The porous Kenya-Uganda boundary and family ties between groups on either side of the border resulted in the conflict acquiring an element of transnationalism. In fact, renegade Ugandan soldiers and rebel group remnants have time and again sought refuge among their relatives on the Kenyan side of the border and have even been hired to carry out attacks and atrocities on behalf of their Kenyan employers. The same is true of the SLDF, who would cross the border after carrying out operations in Chebyuk. I have already mentioned the case of the Sebei from Uganda who fought alongside and at the invitation of their Sabaot cousins during the 1990s ethnic clashes in Mount Elgon.

The state has itself been implicated in the proliferation of SALWs in the area. In the early 1990s the government provided an estimated 1 000 guns to members of the Sabaot community who were recruited as Kenya Police Reservists (KHRC 1996). These reservists are said to have taken sides in the clashes and used their guns against non-Sabaot (KHRC 1996).

The implication is that any conflict situation in the area can potentially escalate because both combatants and the tools of combat are readily available. In a strict sense, the proliferation of SALWs is both a cause and effect of the conflict. As was argued above, perceived persecution provided a reason for the acquisition of weapons. Regardless of whether the motivation was offence or

defence, the outcome was that it extended the conflict. In general, the presence of SALWs makes a conflict violent and undermines efforts to resolve it through dialogue and other peaceful means. For the purposes of this report, I cannot overemphasise the relationship between ethno-nationalism, availability of weapons and the most important resource in the region, which is land. Land provided not just the motive for the conflict, but the very space in which the conflict is played out and the efforts at resolution are attempted.

INTRA- AND INTER-COMMUNITY RIVALRY AND ETHNO-NATIONALIST POLITICS

It must be clear by now that hostile social relations have been an important cause as well as effect of intense and violent competition over land in Mount Elgon District and that it operated on three levels. The first was the intra-community rivalry between the Mosop and Soy clans, the second was the rivalry between Soy factions allied to different politicians, and the third was inter-community rivalry resulting from Sabaot ethno-nationalist politics.

Tensions between the two Sabaot clans have revolved around claims that one clan is favoured by the government in land allocation, with both clans accusing the other of this. In particular, the Mosop were not happy with government decision to include the Soy in Chepyuk settlement scheme, which the Mosop consider as compensation for their more expansive Chepkitale land and as such have exclusive rights to it. Yet the minority status of the Mosop and their general marginalisation means that decisions related to land allocation were often made by Soy leaders. The Mosop lacked political representation until 1997 when the first Mosop councillor was elected. By 2004, the Mosop had only one councillor, one chief and four assistant chiefs in a district with an MP, eleven councillors, sixteen chiefs and forty two assistant chiefs (Western Kenya Human Rights Watch 2004).They were sidelined during delegations to state house to petition president Moi on land matters and have always been underrepresented on land allocation committees. The Soy on the other hand were dissatisfied by govern-ment decision to include the Mosop in Chepyuk III, which was created for the Soy. The conflict has been exacerbated, as Mwasserah (2008:74) put it, by efforts 'by the clans to alienate each other and clear the area of the other clans'.

Political competition between rival Soy politicians, especially between Serut and Kapondi, also created feuding factions within the Soy community, which

was compounded by competition for land allocation in Chepyuk III. Serut was not only accused by his rivals of including the Mosop in Chepyk III, but also of using his position to privilege members of the Soy community allied to him in the land allocation process to the exclusion of his opponents' supporters. Consequently, each of the feuding factions of the Soy community perceived the other faction's leader as a threat to their land rights and was therefore prepared to fight to ensure the ascendancy of its own leader. This was clearly evident in the context of the December 2007 elections in which political violence between supporters of the two rival politicians escalated.

On the other hand, Sabaot ethno-nationalist politics has been driven by historical injustice in respect of the land question. Apart from dispossession of the Sabaot communal land, feelings of marginalisation and domination have been exacerbated by insensitive administrative divisions. The Sabaot community is situated in Western Province, with groups with whom they share no cultural ties. They were furthermore initially administrated together with the relatively populous Bukusu, so that they formed the minority group. At the same time the Kalenjin, with whom they shared a cultural and political affinity, formed part of a neighbouring province, and were accordingly administrated separately.

The Sabaot ethno-nationalist aspirations have taken various forms. The first was the Sabaot demand that an administrative district be created exclusively for them. They wanted such a district to be hived off the larger Bungoma District (in which they felt they were dominated by Bukusu) and Trans-Nzoia District in Rift Valley Province (their original homeland). They further demanded that the district be administrated by Rift Valley rather than Western Province (Human Rights Watch 1993; ICJ-Kenya 2000). As was stated in the introduction, the Mount Elgon area remained grossly underdeveloped because state resources channelled to the district were directed towards areas dominated by Bukusu. The Sabaot saw this pattern of resource distribution as a deliberate and systematic scheme by Bukusu politicians and technocrats to marginalise them on the basis of ethnic identity. They hoped that a district of their own would correct this imbalance and enable them to receive their fair share of state resources and enable them to chart their own development path. This was in large part informed by the fact that at the time, the district was the principle planning unit for rural development as articulated by the district focus for rural development strategy. An inclusion in Rift Valley Province,

where they would be administered together with their ken, would give them a sense of belonging.

The desire for an administrative district was granted in 1993 by the then president, Daniel arap Moi, but the district was hived exclusively from Bungoma District. Because Trans-Nzoia formed part of a different administrative province, incorporating parts of it into the new Mount Elgon District, as the Sabaot had demanded, would have required more than a presidential decree – altering provincial boundaries can only be done within the constitutional framework. Similarly, the constitutional protection of Kenyan citizens' rights to live and own property anywhere in the republic also meant that the district could not be declared an exclusively Sabaot territory.

The Sabaot ethno-nationalist politics has also been expressed through violence and aggression aimed at non-Sabaots in the district with a view to 'cleansing' the district of 'foreigners' and in the process, 'reclaiming' their land. For instance, after Soys (but also other migrants and some Mosops as well) were evicted from Chepyuk II for afforestation and resettlement of Mosop, they did not vent their anger against the state or the Mosop (fellow autochthons) as much as against non-Sabaot. These formed part of the 'tribal clashes' associated with the 1992 elections. The Soy blamed their circumstances, especially landlessness, on the presence of 'foreigners' in Mount Elgon, who were not only seen as occupying their ancestral land but with whom they also had political differences. Land being the basic means of livelihood for most Mount Elgon residents, landlessness meant deprivation and poverty. This again underlines that land conflicts cannot be divorced from economic struggles.

In this case, the politics of identity and identification have been operationalised for determining who is considered an autochthon, and therefore welcome, and who a foreigner, and therefore unwelcome in the region. Related to this has been the idea and implications of boundaries – national, regional, as well as ethnic – which have been key aspects in mapping the direction of the conflict and efforts at its resolution. Indeed, the spatial dynamics as evidenced by the fluidity of the boundaries to a remarkable extent coincide with conflict as one of the manifestations of the legacy of colonialism, as theorised by Mahmood Mamdani (1996). In Africa, processes of building national identities out of disparate communities in varied territories lumped together by artificial boundaries have not always proceeded evenly across state territories. Often some communities end up being alienated from the mainstream. Such communities feel

they are not really part of the system, but instead that they are persecuted, and that they 'share persecution' because of their shared historical, socio-economic and cultural attributes. In this way, the case of Mount Elgon demonstrates how, by imagining themselves to be different from other groups and with more rights of ownership, the Sabaot work on a deliberate scheme of exclusion of non-Sabaot neighbours. At the root of it all is the material resource of land as the causative factor in these dynamics.

INSECURITY/UNCERTAINTY OF LAND TENURE

It is apparent that one of the problems in the district is that of insecurity or uncertainty of land tenure. The resettlement of the Soy and the Mosop in Chepyuk I and II was not immediately followed by the issuance of land title deeds, not only making the ownership uncertain, but also reversible. The situation was compounded when the parcels changed hands (in some cases many times) without the necessary transactions being recorded and formalised. Thus whenever annulment of allocation was effected or evictions carried out, not just the initial allottees but people who had bought land from them suffered or were dispossessed. The eviction of Soy has already been mentioned and this also occurred in the early 1990s when many non-Sabaot were evicted and lost their lands. The majority of them could not reclaim their land because they were unable to prove ownership.

Insecurity and uncertainty of land tenure has also played a role in the politicisation of the land issue in the region. As Najum Mushtaq (2008) observed, 'land tenure remained uncertain and subject to official review which was done in every election year, leading to Chepyuk becoming a political tool in the hands of local politicians and civil servants'. This situation provides the background for the role of the Soy in the so-called tribal violence leading to the 1992 general elections and President Moi's subsequent acquiescence to Soy demands for land allocation and an administrative district in 1993, as well as the Soy's belated inclusion in Chepyuk I and II, which were meant for the Mosop. It also explains the inclusion of the Mosop in Chepyuk III, which had been intended for the Soy, after the 2005 referendum. The political rhetoric of 2002 perpetuated the situation and served to complicate the resettlement programme in Chepyuk III, as did the 2007 political context, which led to an escalation of the present conflict.

GEOGRAPHY AND STRUCTURE OF THE LOCAL ECONOMY

The role of geography in the construction of the Mosop and Soy social identities out of an otherwise homogenous community, in defining the limits and availability of the land resource, and in driving population growth through migration thereby putting pressure on the land resource, has been discussed in detail above.

Added to this is the fact that the local economy revolves around agriculture, which depends on the land resource, making access to and ownership of land critical to the livelihoods of the local population. This exerts further pressure on land and heightens competition over it. It has increased land-use conflicts between the Soy, who are agro-pastoralists who want to convert forest areas to agriculture, and the Mosop hunter-gatherers, who depend on forest products and services to augment their income.

Geography, seen in terms of terrain and landscape, was also an important component of SLDF operations and strategy. The remote and mountainous terrain and the existence of caves and a dense forest provided the necessary hideouts for the SLDF militiamen, where they would plan, strategise and conduct training sessions for recruits and torture their victims out of sight of the public and the security machinery. The relative inaccessibility of their hideouts and their unfamiliarity with the landscape limited the capability of the security personnel to hunt down SLDF members, who had better mastery of and adaptability to the terrain. It took aerial bombardments by the army to strike at the militia's hideouts.

The geographical location of Mount Elgon as a border district sharing boundaries with a country that has suffered many years of political instability and war, and from which it is separated by a porous border, have also contributed to the conflict. The proliferation of SALWs in the region and occasional infiltration of insurgents and mercenaries from across the border in Uganda have certainly added to the general insecurity of the inhabitants.

FEELING OF MARGINALISATION AND DECLINING STATE PRESENCE IN THE AREA

The district's infrastructure and social amenities – roads, housing, health and education facilities, etc – are poor, which highlights the district's remoteness

and limits its integration into the national mainstream. This heightens local residents' sense of isolation and marginalisation, negatively impacts on state-community relations and increases community susceptibility to political manipulation. A practical effect is that the government has been unable to establish effective administrative control in parts of the district. A further effect of the poor infrastructure and lack of amenities is that the state's presence in some parts of the district does not extend beyond the normal official working days and hours, after which government officers leave for better provisioned urban centres in neighbouring districts, notably Kimilili (Bungoma North), Bungoma (Bungoma South), Webuye (Bungoma East) and Chwele (Bungoma West).

The obverse of this situation was that it enabled the SLDF to establish its own administrative system, complete with a mechanism for levying illegal taxes, and informal courts. The militia's judicial system 'was readily accessible to the locals. The SLDF targeted those suspected to have acquired land corruptly, disciplined wrangling couples, went after bad debtors and punished thieves and drunks' (Opala 2008). For their own security, government administrative officers (chiefs and their assistants) in the area were also required to refer cases and disputes to the SLDF as well as collect taxes for the militia as sign of their submission to the militia's authority. Those who did not comply were either killed or forced to flee the area. It is instructive that a chief – Bramwel Kiso Kiboi of Chepkube location – was abducted and held by SLDF militiamen for three days yet he could not report the matter to the police upon release for fear that doing so would have led to his death.26 The illegal taxation contributed to the creation of an 'insurgency economy'.

Although the geographical location has played a role in the economic and socio-political situation of Mount Elgon District, the crisis to a large extent derives from (mis)management, in that the authorities do not match their privileged position of power with the complementary obligation of including these people in their governance responsibilities. Therefore it could be said that the reason why the conflict about land has escalated so dramatically, is a function of governmental mismanaged not only of the land issue, but community matters in general. It also begs the question on how the area, as part of the country as a whole, is being governed. This leads to other questions, such as the reason for the disconnect between the ideal of egalitarianism and the practice of favouritism. These are not purely theoretical questions: the future for young people is looking ever more uncertain, and their frustration could result in the youth

taking up arms to rectify the situation as they see fit. In view of the Mount Elgon's history of violence as a means of solving problems, this is not a possibility to be taken lightly.

Regardless of whether it is the youth's frustrations stemming from dissatisfaction with government or whether it is the existence of competing political and economic elite interests in the district that provide the context for conflict, it is the likelihood that the youth will pursue a militant option as a means of addressing their grievances that should be of particular concern. As Osamba (2000:25) rightly notes, in the context of cattle rustling and banditry in northwestern Kenya:

> The youths play a very crucial role in the system of warlordism. Since they are impoverished and marginalized by economic realities, the youths are structurally available and ready for mobilization and for offering service to the highest bidder. In general the youth are the group most excluded from the social, economic and political order of the society. They are amenable and can easily be manipulated.

The youth's fluid strategies, including use of violence as a way of demanding and getting government attention while at the same time avoiding arrest and detention by the same government, point to the intersections that exist between the SLDF and other outfits that have emerged in post-colonial Kenya and in Africa generally. While such groups push their agenda by means of violence, it is nevertheless difficult to dispute that their grievances often have a very genuine basis.

Dysfunctional and exclusivist economies, sustained feelings of injustice, lack of legitimate means of earning a living and political frustration have topped the list of reasons for the emergence of youth outfits that seek to position themselves at the centre of socio-political and economic dynamics in post-colonial Africa. Indeed, across the continent, many such outfits have been conceptualised as a product of the lumpen or underclass culture.27 On the topic of militia formation in eastern Congo, Doom and Vlassenroot (2001:80) have argued that 'For the marginalized youngsters, joining these militia offers them an exit from exclusion and a way to reach some fruits of modernization … Violence in this case is an opportunity rather than a problem'. In Kenya, for instance, it is for similar reasons that the Mungiki, a notorious religio-military outfit, has survived many

government onslaughts aimed at annihilating it. The Mount Elgon conflict also confirms Obi's argument that where resources are monopolised by the state at the expense of the population and where scarcities stem from the state's distribution process, the state is more likely to follow through the process with violence to impose its will on the people. However, such threats or actual use of violence does not, on the whole, deter 'counter-hegemonic social movements [from challenging] African states' exclusive control of resources, resulting in conflicts and resource wars'.

7 Conclusions and recommendations

In the preceding sections I have attempted to map the causes and trajectory of the conflict in Mount Elgon District. It is clear that land, because of intensified competition over and inequitable access to and distribution of the available limited land, is the root cause of the conflict. This relates to the colonial legacy of land dispossession and the failure by the post-colonial government to compensate or resettle Sabaot. It has engendered feelings of injustice among the Sabaot, some of whom remain landless. My analysis has also indicated that pre-existing conditions incubated the conflict, including a history of violence and militarisation in the area due to availability of SALWs, intra- and inter-community rivalry and ethno-nationalist politics, insecurity/uncertainty of land tenure, geographical position, structure of the local economy, feelings of marginalisation, and declining state presence in the area. It is the interaction of these factors, aided by an interplay of local and national patronage networks and political dynamics, that explains why what seemed on the face of it to be purely a conflict about land, at times assumed political and criminal dimensions and expanded its geographical reach.

In responding to the conflict the government applied a multi-dimensional approach, emphasising certain aspects at different times and with different degrees of success. While considerable efforts were made to find a solution to

the conflict through dialogue initially, the government eventually resorted to a military approach to the conflict. This in part occurred because of the limited success of dialogue, but mostly because the government regarded the conflict as primarily a security problem.

The deployment of the army, which was the culmination of the military approach, resulted in tremendous successes in terms of recovery of weapons and munitions, and tracking down SLDF militiamen and their commanders, a number of whom were killed, among them Matakwei. I argue that while this holds out a promise for the restoration of law and order in the region, the army's modus operandi and alleged gross human rights abuses have not only undermined the confidence of the local residents in the army, but have increased feelings of community persecution by the state which does not bode well for sustainable peace. Moreover, a military approach focused on the symptoms of the conflict and did not attempt to resolve the root causes of the conflict.

To achieve sustainable peace in Mount Elgon District, I recommend the following:

■ The operations of the army and other security agencies should be streamlined and complaints of gross human rights violations be dealt with in a transparent manner as soon as possible to restore the people's confidence and faith in the state

■ With regard to the militia, there have been suggestions that dialogue with and amnesty for militiamen are critical for unravelling underlying causes of the insurgency and eventually getting them to lay down their weapons.28 However, in view of the history of violence in the district, which was a contributory cause of the current conflict, such a strategy should not be pursued in a manner that perpetrates the culture of impunity in the area. I also propose that the extent of human rights violations, in this case of civilians against each other in the district, be investigated so that perpetrators of such heinous acts are held to account for their actions. This will help to stop the culture of impunity and break the cycle of violence in the district that have waxed and waned with the elections

■ The rumours that powerful individuals supported the SLDF and incited them to violence and criminal activities – SLDF commanders often alluded to this by refusing to disclose the name of their leader – should be investigated and those involved punished

- The state should help displaced persons to resume normal lives. Many of them lost their livelihoods and face starvation because they are unable to cultivate crops or farm; government services are unavailable; schools remain closed; and health facilities are overstretched. A way should be found to compensate innocent civilians who lost property in the conflict as a result of either the activities of the SLDF or police arson. A clear, transparent and consultative mechanism for assessing such losses should be worked out. This should be done in the context of the countrywide programme for resettling post-election internally displaced persons. Otherwise, questions on why the plight of victims of post-election violence in Mount Elgon is not being considered along and with the same urgency as that of others may grow louder and further complicate the situation. Local leaders and residents of Mount Elgon complain that the majority of those who are earmarked for compensation elsewhere are from President Kibaki's ethnic community and by extension perceived as being PNU supporters, although their situation is a much more recent occurrence

- Once security has substantially been enhanced in the area, it is imperative that the state assure displaced persons that they will have maximum security if they return, and that the security agents will not harass and victimise people. Although the plans to establish a permanent army base in the area may be laudable in the short term as a way of preventing any remnants of the SLDF from regrouping, responsibility for general law and order should be handed over to the regular police as soon as the situation permits. The army should be restricted to trouble spots only

- In particular the army should forge greater cooperation and work in tandem with their Ugandan counterparts to improve surveillance of the border, further ensuring that militiamen cannot regroup on the Ugandan side of the border and re-launch their activities at some future date. It is instructive that some militiamen were arrested in Uganda and that, in the past, Ugandans were involved in the conflict in the Mount Elgon region together with and at the invitation of their family members there

- The marginality of the area and the structure of the local economy, dependent as it is on the land resource, are important factors in the conflict. It is therefore critically important that the state develops a programme to bring about the effective integration of Mount Elgon into the rest of Kenya, as well as effect diversification of the local economy. Infrastructure – especially the

road network and government housing – should be improved and social amenities provided to open up the district. This will enable the state to exert effective control over the region and bolster the local economy by not only enhancing the local producers' access to the market and thereby preventing exploitation by middlemen, but in the long term also attracting outside investment and enabling Sabaot to enter the non-agricultural economy

- In particular, efforts should be made to find a way of engaging the district's growing young population in productive activities, including entry into the informal sector. Such an approach will make the 'insurgency economy' based on extortion, informal taxation, protection fees, confiscation of property and the like less attractive to idle and unemployed young men. The attraction of the conflict to these young men – and its tenacity – who found involvement in criminal activities to be the only viable means of economic advancement, subsuming issues of legality and morality, would in this way be substantially reduced

- The role of the youths, who take part in the conflict because they are unemployment or lack opportunities for more productive engagement, and because of their general social exclusion, also calls for the current purely ethnocentric approach to be re-thought. This approach is based on the reasoning that because the conflict pitted the Mosop against the Soy for a long time, any dialogue initiative must adopt a similar approach. The truth is that this approach excludes other group identities and dynamics such as socio-economic standing, gender and demographic characteristics, all of which are linked to different needs. Given that many of the combatants are young, it may be helpful to focus on the youth and to raise their awareness of alternatives to land as a resource and violence as a means of expressing their grievances

- In addition the restoration of law and order should be pursued not as an end in itself but as a means of facilitating and expediting a consultative, inclusive and transparent land resettlement programme. The government should undertake a comprehensive audit of the Chepyuk resettlement programme since its inception to date, with a three-fold purpose: to establish which were the original Sabaot families that were displaced from Trans-Nzoia District and eventually settled in Chepyuk and Chepkitale; to establish the number of genuine squatters from among the two clans who have yet to be resettled; and to establish the number of genuine non-Sabaot squatters in the area,

who have been displaced from their land in the past. This audit should form the basis for compensating, in one way or another, the Sabaot community as a whole, and redressing the particular land grievances of the respective Sabaot clans. Ultimately, the aim of the programme should be to resettle all those who remain landless in the Mount Elgon area and to confer land rights by legal title, taking into account historical injustice and claims, equity, availability of land and the environmental imperative. Such a programme should be implemented within a specific timeframe

- The Mosop has on several occasions expressed the desire that the game park be degazetted to facilitate their resettlement there and has even attempted to return to Chepkitale. My argument is that this is partly because of the history of conflict over the Chepyuk resettlement programme but partly also because of their hunter-gatherer lifestyle, which has in turn led to conflicts with the Kenya Forest Service (the erstwhile Forest Department) over access to and use of forest resources. A resettlement programme that proceeds along the lines I propose should lead to a resolution of the conflict in general. With regard to the Mosop lifestyle, the Kenya Forest Service would do well to negotiate some access to and use of the forest products and services with them. This will go along way towards reducing conflicts between the two, and also result in better forest management and conservation. Indigenous knowledge and customary land use and tree tenure systems are increasingly seen as critical to conservation of forest resources the world over.29 This would furthermore be in line with Kenya's forest policy, which seeks to achieve greater involvement of local communities in forest management (Republic of Kenya 2005)

- A broad-based peace, reconciliation and healing process should also be initiated first between the two Sabaot clans, and later between them and non-Sabaots. The process should be facilitated by the state and civil society organisations and be driven by the communities concerned and spearheaded by individuals or institutions chosen by them

Only if all these processes take place on a consultative, inclusive and transparent basis, and if the resettlement programme is successfully concluded, will the confidence of the local residents be restored and the land question stop being a political issue that fuels intra- and inter-community conflict.

Notes

1   For instance, the closure of about 20 schools at the height of the conflict affected over 8 000 pupils. At the time this report was written, the schools remained closed (see Kwalia & Kapchanga 2008).

2   The impact of the conflict on food security has been manifested, for instance, in a sharp economic decline of Chwele market in the neighbouring Bungoma West district. Chwele is the second largest (after Karatina) open air market for agricultural produce in Kenya and attracts traders as far away as Nairobi. The bulk of the produce emanates from Mount Elgon. According to the Kenya Red Cross (2007), however, as a result of the conflict 'almost zero agricultural activities [are] taking place' in Mount Elgon thereby severely affecting the volume of trade in Chwele market.

3   While I refer to Mount Elgon District as a larger administrative unit, the zones of the conflict do not cover the whole region. Conflict is actually limited to the areas around the settlement schemes, and particularly in the Kopsiro division where the Chepyuk settlement scheme is located. To prevent confusion, specific names are used to refer to conflict hot spots and Mount Elgon is only used when referring to the broader region.

4   Constituting only about 1 per cent of the population, the white settlers owned about 20 per cent of the country's arable land.

5   The question of autochthony has itself been contested as historical accounts indicate that most of the so-called autochthonous communities were themselves not historically rooted in those territories but had previously migrated and in the process displaced others (see for example Lonsdale 2008).

6   It has been suggested that the post-colonial political elites were constrained in bringing about radical land reforms by some of the concessions they had made during negotiations for independence that bound them to respect and safeguard property rights of white settlers, ostensibly because they believed that reversing property rights would disrupt and negatively affect the settler agriculture economy which was the pillar of the national economy. In reality, however, the ruling elites also saw the colonial land tenure and property rights regime as an opportunity to accumulate land in former white settler areas and as a means of becoming part of the settler agricultural economy.

7   Kenya Land Alliance (KLA), a leading civil society advocacy organisation on land matters, has defined a historical injustice in the context of the land question as 'a land grievance which stretches back to the colonial land policies and laws that resulted in the disinheritance of communities from their land … grievances [which] were not resolved upon the attainment of independence' (KLA 2004:5). The KLA was further of the opinion that the historicity of a land grievance should be based not so much on how far back it stretches in order to determine if it is a legitimate historical injustice – over which there is no consensus – but rather by its 'widespread and resilient nature'.

8   Marcel Rutten (1997) has noted, for instance, that by the late 1970s some 2,4 per cent of Kenyan holdings accounted for some 32 per cent of Kenya's total arable land and that 10 per cent of the Kenyan population in 1990 was landless and was growing at an annual rate of 1,5 per cent.

9   A good example of this is the excision of the Mau forest complex for population settlement which has had a far-reaching environmental and socio-economic impact not only on Kenya but on Tanzania as well. The forest constitutes an important catchment area for various rivers that drain into Rift Valley lakes (Bogoria, Nakuru and Turkana) as well as into Lake Victoria and Lake Natron in Tanzania. The destruction of Mau forest has negatively affected water flow in some of these rivers and exposed the soils to erosion. As a result some lakes have become heavily silted and their water levels have dropped to a level that has disrupted, in the case of Nakuru and Natron, the breeding of flamingos and affected the ecosystems in general. In the case of Lake Nakuru, the second most popular national park in the country, this has negatively impacted Kenya's tourism sector.

10 This figure is a projection based on a 2,3 per cent population growth rate since 1999, when the last population census was conducted. At that stage the population of the district was put at 135 033.

11 Gazettement has been the government's most important instrument for protecting and conserving forests for their ecological – as water catchments and biodiversity hot spots – as well as cultural and strategic value. According to the law, once gazetted, such forests can only be excised and allocated once they have been degazetted. This only occurs after an elaborate process that ensures that the excision and allocation are consistent with other policy and environmental provisions and, most importantly, do not in any way jeopardise public interests. Mount Elgon forest is a water catchment area for the Nzoia and Turkwel rivers, which drain into Lake Victoria and Lake Turkana, respectively. The forest was first gazetted in 1932 (Ongugo et al nd).

12 Strictly speaking this was in breach of the law. At the time, the law (The Forests Act, Cap 385) provided that 'The area intended for excision must be surveyed and a boundary plan drawn and approved by Chief Conservator of Forests before it is excised' (KLA 2006:7).

13 For example Job Bwonya, the Executive Director of Western Kenya Human Rights Watch, in an interview with the author, 15 July 2008. The author was not able to verify these claims, however.

14 Forest clearance and appropriation of land proceeded on a free-for-all basis whereby individuals simply took as much forestland as they were able to clear.

15 The proposed new constitution was defeated at the national referendum despite agitation and a subsequent long and participatory process of national consultation, debate and consensus building that lasted close to two decades. The defeat was caused by political rivalry between two groups that formed around the 'yes' and the 'no' campaigns – even the opponents of the proposed constitution would themselves concede during campaigns that it was much better than the existing constitution and 80 per cent acceptable. However, this is not to diminish the fact that there were certain issues over which there were major disagreements. The land issue was one such contentious issue, with for instance the Rift Valley population overwhelmingly rallying around the 'no' campaign.

16 It has been claimed that the brokers solicited bribes of between KShs20 000 and KShs30 000 for each one-hectare plot.

17 They were advised that the court did not have jurisdiction over the matter because the group lacked *locus standi* to pursue the case since the land in question had not officially been de-gazetted from forestland (see KNCHR 2008).

18 Such militias include the Revolutionary United Front and Kamajoi in Sierra Leone, Renamo and Naparama in Mozambique, the Lord's Resistance Army in Uganda, the Bakassi Boys in Nigeria, and the Mayi Mayi in the Democratic Republic of Congo.

19 At a meeting held on 7 April 2007 between community leaders and agents of the provincial administration, the surrender points were identified as Kipsigon, Chepyuk, Masaek and Cheptais.

20 At the time of the nominations Kapondi was waiting to be charged in court and it was not clear whether he would ever be released from police custody, given the gravity of the charges that had been preferred against him. In addition, according to Kenya's electoral laws, a person is not eligible to stand for elections if he or she has been convicted by a court of law at the time the elections take place.

21 These organisations are the Bungoma-based Mwatikho, Western Kenya Human Rights Watch and the New York-based Human Rights Watch.

22 The only other known senior leader of the militia, John Kanai, designated himself as the SLDF spokesman.

23 It has been estimated that over 1 500 people died and more than 350 000 were displaced across the country by the post-election violence.

24 However, cooperation between Ugandan authorities and their Kenyan counterparts has helped a great deal to stop the conflict from spreading across the border. For instance, the Ugandan forces reportedly arrested seven militiamen across the border and handed them over to the Kenya security forces on 15 March 2008.

25 For details, see http://www.news24.com/News24/Africa/News/0,,2-11-1447_2328728,00.html).

26 Job Bwonya, in an interview with the author, 15 July 2008.

27 See for example a 1997 special issue of *Africa Development Journal*, XXII(3 & 4) and also Doom and Vlassenroot (2001).

28 This has been a common theme, especially among local leaders, including the current MP, some former MPs and past and present councillors. Some ODM leaders, particularly from Rift Valley Province, have also expressed this opinion. These include William ole Ntimama, the Minister of National Heritage, and William Ruto, the Minister for Agriculture.

29 Indeed, as Barrow (1996:262) noted, 'All governments now recognize the importance of promoting greater public participation in forestry activities. Yet if the policies are to succeed, pastoralists, farmers and communities will need stronger assurance that they will benefit.'

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Appendix 1

Chronology of events surrounding the Mount Elgon conflict

Date	Event
1915 to 1920	Colonial land ordinances, modelled on medieval English land laws, are introduced in Kenya to serve settler demands. Subsequently 'white highlands' are earmarked, including Uasin Gishu, Laikipia, Nakuru, Navasha, Mount Elgon, Trans-Nzoia and Kerich (Kanogo 1993)
1920s and 1930s	The Sabaot, who by then occupied parts of Mount Elgon and Trans-Nzoia districts, were evicted among other peoples to give way to the colonial settlers
	A section (Mosop or Ndorobo) of the Sabaot community are resettled on Chepkitale trust land in the moorlands on the slope of the mountain while another (Soy) settles downslope in Chepyuk
1960s	The government conceives a resettlement plan, meant to resettle the Mosop from the trust land high up the mountain, and the Sabaot in the diaspora who had been displaced in the 1920s and 1930s
1968	The Chepyuk Settlement Scheme is instituted through Legal Notice No 35 of 1968
1971	Some members of the Mosop group are moved to the scheme, despite resistance by others

Date	Event
1979	Increased incidences of cattle rustling destabilise the peace that had held from 1971. This is largely attributed to the political instability in neighbouring Uganda that has resulted in firearms falling into the hands of civilians. The security situation remains precarious
1979	Phase II of the resettlement begins. The areas covered included Cheptoror and Kaimugul
1993	Phase III of resettlement begins, with targeted areas including Chepkurkur. This phase was intended for 1 732 families from the Soy clan
2002	Political rhetoric in election campaigns largely centre on finalisation of the resettlement programme in Chepyuk
2003	Land in phase I and II is surveyed and title deeds issued to allottees without incident. Chepyuk III remains unresolved
2005	The land issue resurfaces during the national referendum campaigns
2006	Resettlement programme in Phase III is revisited
	The government reduces the size of plots from 2 hectares to 1 hectare and includes Mosops who were initially not supposed to benefit. Soys protest the inclusion of Mosops
	Seven thousand applications are received; 1 500 families miss out on land allocation and are evicted from their farms. The majority of those facing eviction are members of the Soy clan
	A group of Soy youths is mobilised and armed to resist the evictions
	The Sabaot Land Defence Force (SLDF) is formed as a result, with Wycliffe Kirui Matakwei as its deputy leader and commander of the military wing. The true leader of the militia remains unknown
June 2006	The SLDF starts attacking members of the Mosop clan, forcing many people to flee their homes
	A chief is killed
August 2006	An assistant chief together with his daughter and two guards are killed
January 2007	A local councillor is killed
	The government deploys 600 security personnel to Mount Elgon to clear up the deteriorating security situation

Date	Event
February 2007	Forty two people are arrested in connection with the clashes and three killed. A policeman is killed, bringing the death toll to 72
	Commander of the SLDF grants a TV interview in which he makes various demands as a condition for laying down arms
March 2007	Police publish and widely circulate pictures of three people they consider to be ringleaders of the militia. They include a local politician Fred Kapondi, the SLDF deputy leader and military commander, Matakwei, and a councillor, Nathan Warsama
	Kapondi is arrested and arraigned in court for promoting war-like activities. He denies the charges but is remanded in police custody
	Peace meetings are held between the provincial administration and leaders from both the Soy and Mosop clans
April 2007	Six are killed as the SLDF raids Kapsokwony, the Mount Elgon district headquarters. Shops are raided and schools closed
May 2007	Eleven people are killed by the SLDF in Kitale
	Ninety nine people are charged with murder in Mount Elgon
June 2007	A brother to the area MP is killed
	Former President Moi calls for amnesty for the militia, after the SLDF kills yet another woman
September 2007	Feuding Sabaot clans agree on a ceasefire plan
November to December 2007	Fighting resumes in Mount Elgon as people are killed, including another brother of MP John Serut
	Kapondi wins the ODM nominations in absentia (still in police custody)
	Kapondi is released and eventually elected area MP
January 2008	Twenty two people are killed by SLDF fighters in Chesikaki village
March 2008	Matakwei claims to have a 35 000-strong SLDF militia force. Realistic estimates put the group at between 3 000 and 4 000 men
	The Kenya army is deployed in the region to stem the tide of violence that has overwhelmed the police and other security agents. Local residents celebrate the deployment of the army
	Hundreds of SLDF suspects are arrested and arraigned in a Bungoma court to answer charges that range from promoting war-like activities, murder and robbery with violence

Date	Event
April 2008	Residents accuse the army of indiscriminate torture of civilians and SLDF suspects, and demand that the army withdraws
	Human rights organisations also condemn the army's human rights violations
	Eight hundred SLDF suspects are denied bail
	Police in Eldoret arrest Jason Psongoywo Manyiror, the Soy laibon leader) who administered oaths to SLDF militiamen
	Some councillors are arrested by the army for interrogation
May 2008	Seven bodies of suspected SLDF members are found in a forest in the Saboti constituency
	The Mount Elgon county council chairman is detained over links with the militia
	KNCHR releases a report accusing the army of killing and torturing thousands of people during its campaigns to restore peace and root out SLDF
	Matakwei is gunned down by the army, dealing the militia a severe blow
	SLDF militiamen surrender. The army continues its operations