MT. ELGON CONFLICT: A RAPID ASSESSMENT OF THE UNDERPINNING SOCIO-ECONOMIC, GOVERNANCE AND SECURITY FACTORS

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The Amani Papers is published monthly by UNDP Kenya as a contribution to knowledge development and management in Africa. It solicits contributions from researchers, academics and field practitioners with a focus on peace building conflict prevention and governance issues generally.

About Amani Papers

The Amani Papers is published monthly by UNDP Kenya as a contribution to knowledge development and management in Africa. It solicits contributions from researchers, academics and field practitioners with a focus on peace building conflict prevention and governance issues generally. It promotes policy oriented and actionable research to strengthen national capacities and to generate political will for peace building conflict prevention and democratic governance interventions. Articles are welcome on any subject related to peace building, security, transitional justice, reconciliation, traditional conflict management, alternative dispute resolution, national cohesion and conflict transformation. Practitioners' notes are also encouraged so as to inform policy from practice. Articles should be sent by email to the Journal Editor, Nirina Kiplagat on nirina.kiplagat@undp.org.

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This publication became necessary in the search for understanding and to develop the appropriate responses to the conflict in Mt. Elgon. Land is a contested natural resource in Kenya. The nationalist struggle for independence was largely anchored on the need for access, use and control of the land by the ‘indigenous’ population. The Mt. Elgon conflict therefore represents the overwhelming desire for access to and use of land. The ownership, access to and control of land is at the root of the many conflicts that have affected parts of the country, and which play out regularly in inter-group relations during periods of political transition. A better understanding of the Mt. Elgon conflict and a serious effort at addressing it could therefore present clearly policy and strategic options to the state and other relevant actors.

This study was undertaken by three researchers: Kiragu Wachira, Barrack Muluka and Manasseh Wepundi under the guidance and supervision of Dr. Ozonnia Ojielo, Senior Peace and Development Advisor to the UN Resident Coordinator and UNDP Resident Representation. Dr. Ojielo further provided re-writing and editing support for the final draft of the study. This report was edited by Ruth Omondi.

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The views expressed in this study are those of the authors and do not necessarily represent the views and positions of UNDP Kenya.

ACRONYMS

CJPC  Catholic Justice and Peace Commission
FEM  February Eighteen Movement
FERA  February Eighteen Resistance Army
GSU  General Service Unit
IMLU  Independent Medico-Legal Unit
KANU  Kenya African National Union
KNCHR  Kenya National Commission of Human Rights
MDF  Moor land Defence Force
MSF  Medicins Sans Frontieres
NCCK  National Council of Churches of Kenya
NGO  Non-Governmental Organization
OCHA  Office for the Coordination of Humanitarian Affairs
PEACENET-Kenya  Peace and Development Network – Kenya
RDU  Rapid Deployment Unit
SLDF  Sabaot Land Defence Force
UNDP  United Nations Development Programme
UPDF  Uganda Peoples’ Defence Force
1. INTRODUCTION

Mt. Elgon is one of the eight districts of Kenya’s Western Province, as at January 2009. The District borders the Republic of Uganda to the north and west, the greater Trans-Nzoia to the east and the greater Bungoma to the south. It has a population of 166,088, 56% of whom live in absolute poverty (Ministry of Finance and Planning, 2002).

The District was carved out of (greater) Bungoma District in 1993 after the country’s first multi-party elections. This decision was largely seen as a political move aimed at satisfying local Sabaot interests as a reward for their support for the government (the then Bungoma district was a largely pro-opposition zone).

The District occupies an area of 936.75 km²; with Mt. Elgon Forest occupying 609.6 km² (forest cover constitutes 69% of the District). The District is divided into four divisions namely Kapsokwony, Kapkateny, Kaptama, Kopsiro and Cheptais, which are further sub-divided into sixteen locations and forty sub-locations (Ministry of Finance and Planning, 2002).

The District is the equivalent of one parliamentary constituency, but Mt. Elgon County Council is the only local authority in the District. It covers the whole District and has a total of 16 wards.

The District’s population is predominantly the Sabaot, but there are the significant populations of the Bukusu, Teso and some Kikuyu. The population is especially concentrated in the trading centres of Cheptais, Kapsokwony and Kapkateny. In general, human settlements are concentrated in the lower regions of the District. Hence, Kopsiro division has the highest population density followed by Cheptais, Kapkateny and Kapsokwony, respectively.

The high population density in Kopsiro Division has contributed to people’s encroachment onto the forest. The main pockets of the poor are found in Cheptais Division and Kopsiro Division, which have squatter settlements along the forest boundary (Ministry of Finance and Planning, 2002).

The District’s development is constrained by poor infrastructure, underdeveloped human resources, inadequate and poorly developed local raw materials, poor marketing systems, accessibility to credit facilities, and environmental degradation (Ministry of Finance and Planning, 2002). Given its over-reliance on agriculture (with 80% of the population being farmers), development of the sector alongside the tapping of the district’s potential as a tourist destination (with a unique ecosystem and a National Park) would go a long way in improving quality of life.

1.2 Conflict Dynamics and Trends

The latest wave of turbulent conflict in Mt. Elgon District is reported to have begun after the 2005 National Constitutional Referendum. According to the Kenya Red Cross Society, the conflict began in December 2006 and by April 2007, approximately 63,000 people (10,292 families) had been displaced; 144 people had lost their lives - out of these 43 died due to health complications, 101 due to bullet wounds; while 115 people were wounded.1

But the conflict in the District is rooted in historical injustices, land, identity, and political competition. The land problem among these people began with their displacement, by colonial white settlers, from what is today Trans Nzoia District. The group was dislocated to Chepkitale and the Moor lands of the Mountain. But, although the colonial administration proposed a compensation package of 2,000 sterling pounds based on the recommendations of the 1931 Carter Commission on Land, this was never implemented.2

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1 Kenya Red Cross Society, Mount Elgon Clashes Status Report, 4th April, 2007
2 Kenya Land Alliance Newsletter, May 2007
In 1965, the Kenyatta government initiated the Chepyuk Settlement Scheme targeting Ndorobo/Mosop families from Chepalalite. It is reported that Ndorobos overstated their size as consisting of 600 families, but upon careful documentation of their members, it was established they were 443. In order to increase the numbers to 600, Ndoro elders are reported to have resolved to include 157 Soy members.4

A PEACENET study observes that subsequent sales and changes in ownership of land between individual members of the two communities coupled with periodic, selective, partisan and politcally motivated additional settlement of squatters from the two communities by the government at different times have heightened rivalry between them. This is further accentuated by nullification of allotment of land by the government whenever rivalry between the two groups seems to degenerate into violent conflict. The rivalry between the Soy and the Ndoro culminated into the 1992 tribal clashes. The current spate of clashes is reported to have been sparked off by the approval of a list to settle about 1,732 squatters in Phase III of Mt. Elgon Resettlement.5

An NCCK study explains that the 1990s' advent of pluralist politics ruptured Mt. Elgon's relative stability (it was then part of Bungoma District), as identity politics redefined inter-ethnic relations. The Bukusu (dominant in then Bungoma District), were mainly pro-opposition, while the Sabaot supported President Daniel arap Moi's KANU. In this period, intra-Sabaot (Soy/Ndorobo) and Sabaot-Bukusu clashes broke out in Mt. Elgon causing massive displacements.6

The intra-Sabaot conflict was sparked off by the 1993 Soy group invasion of Chepkurkur Farm (nicknamed Baghdad) and later in 1996, the same group, backed by Uganda's Sebei community, attacked the Mosop and rustled 720 cattle and 20 donkeys (which were driven to Cheptais and Uganda).7

In the period between 1996 and 2001, it is reported that land allocation letters were issued to people without the involvement of Mosop leaders. It is felt that this heralded more visible corruption in the settlement process. For instance, in 2002, it was found that about 2000 households were illegally settled on land in the scheme, including politicians and some chiefs.8

To kick-start Phase III land allocation, the Mt. Elgon District Commissioner ordered the registration of landless families between 1995 and 1996. Balloting and surveying of Phase III land was conducted in 1998 but land allocation allocated allegedly due to corruption. This process stalled until 2002, when land issues became politicised in the parliamentary campaigns for that year's general elections.

It is therefore not surprising that the area Member of Parliament (MP) for the 2002 to 2007 term won the elections on the promise that he would put for a 'Nyumba kwa Nyumba' (house to house) land allocation policy (meaning every family would be allocated the land on which they had already settled). Saferworld and Kenya National Commission on Human Rights (KNCHR) studies demonstrate that this position appeared to especially favour some people who had acquired more land than others9, but it was popular with many, both the Soy and Mosop (Ndorobo) have historically laid firm (even exclusive) claim to Phase III land.10

Politicisation of the land issue during and after the 2005 constitutional referendum and the subsequent land allocation process on a 50:50 proportion between the Ndorobo and the Soy eventually triggered the latest spate of violent conflict. This process produced a disgruntled group of settlers in Chepkurkur who declined to participate in the process. It was from among this group that the Sabaot Land Defence Force (SLDF) emerged to fight for land rights.11

According to the KNCHR, the magnitude of the conflict grew beyond the capacity of the local law enforcement agencies to contain. It has also hardened identity-based consciousness. For instance, the Soy group now considers the Ndoro as foreigners; while the Ndoro have threatened to take up arms should there be nullification of the scheme.12

The Kenya Red Cross reveals that the conflict displaced about 116,220 people (almost the entire district population) and resulted in the killing of over 253 people.13 The spill-over effects of the conflict were felt in Bungoma District and in Kwanza, in the west of Trans Nzoia District.

### Table 1: Mt. Elgon Conflict Historical Timeline (Source: NCCK Study)

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<tr>
<th>Year</th>
<th>Event</th>
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<tr>
<td>Pre-Independence (1956)</td>
<td>Conflict among Mosop. Elders were divided on where to be allocated land by the colonial administration.</td>
</tr>
<tr>
<td>1963</td>
<td>Inter-ethnic clashes between the Sabaot and Bukusu.</td>
</tr>
<tr>
<td>1970 – 1975</td>
<td>• In 1970 Chepyuk Settlement Forest was excised for allocation of communal land with involvement of elders. Elders took an oath not to sell land. But allocation process was not transparent, and there was cromony. • There was severe drought in 1971.</td>
</tr>
<tr>
<td>1978</td>
<td>Change of leadership from Kenyatta to Moi and from Moss to Kisiero.</td>
</tr>
<tr>
<td>1983</td>
<td>Willement Kisiero and the provincial administration are alleged to have taken cattle from Ndorobos and driven them to Kapsokwony.</td>
</tr>
<tr>
<td>1985 – 1989</td>
<td>Provincial administration pursued a 5-acre per person land allocation policy (community wanted 50 acres per person). Process was also made a settlement scheme.</td>
</tr>
<tr>
<td>1990 – 1997</td>
<td>Intra-Sabaot clashes occurred in 1993 after the Soy invaded Chepkurkur Farm. Four Mosop people were killed by the Soy and Ugandan Sebei people in 1996. 720 cattle and 20 donkeys were stolen and taken to Uganda and Cheptais. Sabaot-Bukusu inter-ethnic clashes in early 1990s. There was an alleged Mt. Elgon connection to the suspected FERA movement. 1997 defeat of Kisiero by Kimukung.</td>
</tr>
<tr>
<td>1996 – 2001</td>
<td>Land allotment letters issued without consulting Mosop elders. It is alleged that it was the beginning of corruption.</td>
</tr>
<tr>
<td>2000</td>
<td>Mt. Elgon County Council made the national park a National Game Reserve.</td>
</tr>
<tr>
<td>2002 – 2007</td>
<td>In 2002 John Serut defeats Kimukung on promise of the Nyumba kwa Nyumba land allocation policy. After 2005 referendum, a 50:50 land allocation process (between Mosop and Soy) is adopted. This was contentious. There were allegations of corruption among politicians, settlement officers and provincial administration. 10 Ndorobos were killed by Soyos triggering the conflict. In 2006 there was the emergence of militias – the Sabaot Land Defence Force (SLDF) and the Moorland Defence Force.</td>
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3 Chepyuk (sometimes written Chepuyk) was excised from Mt. Elgon Forest
7 Ibid.

The number of people killed is actually higher than that. Most media estimations of the number of the dead is above 500.
1.3 Response Initiatives

Both government and non-governmental institutions have undertaken some initiatives to address the conflict. The government’s response has been mainly through the provincial administration and security forces (the Kenya Police, the General Service Unit (GSU), Administration Police (AP) and the military). Non-governmental actors include the Kenya Red Cross, Catholic Justice and Peace Commission (CJPC), National Council of Churches of Kenya (NCCCK), MSF, Action Aid, World vision, Saferworld, Human Rights Watch, Peace Tree Network, PEACENET-Kenya, Maendeleo Ya Wanawake, Rural Women Peacelink, Western Human Rights Watch, Mwatikho, Reformed Church, Anglican Church of Kenya, Free Pentecostal Fellowship and Seventh Day Adventist Church, among others.

The United Nations (UN) equally supported humanitarian interventions in Mt. Elgon. Most of this assistance was channeled through the Kenya Red Cross. Although a lot of effort went into advocacy work. Together with other partners, the UN lobbied the Minister for Internal Security to visit the district and have the crisis put on the Cabinet agenda. The UN also organized at least four missions to the area and lobbied for support from donors, and other partners.

State Response

An NCCK study observes that the most notable government intervention at present is Operation Okoa Maisha – a security operation carried out by Kenya’s military, police and the paramilitary GSU. However, the operation was widely criticized for violating human rights (torture) of the residents of Mt. Elgon. Two human rights organizations – the Kenya National Commission on Human Rights (KNCHR)[15] and Independent Medico-Legal Unit (IMLU)[16] – prob and confirmed the allegations against the security forces.[17] The government denied these claims and instead commissioned police investigations into the claims, which exonerated the security forces of any wrongdoing.[18]

On the other hand, the role of provincial administration in the conflict has been mixed. As observed by the NCCK study, provincial administrators’ actions have helped in the conflict resolution efforts but at the same time contributed to the conflict. Through their involvement in the resettlement processes, provincial administrators’ facilitation efforts have yielded peaceful solutions. However, some of their officers’ involvements in corrupt land deals have contributed to the conflict.[19]

National Human Rights Institutions Response

Kenya National Commission on Human Rights, the autonomous National Human Rights Institution, was at the forefront of highlighting human rights abuses by the security forces and calling for accountability.

Non-State Actors’ Responses

Non-governmental institutions have focused their efforts on the broad areas of peace-building and conflict management, human rights advocacy and humanitarian support.

Humanitarian efforts are especially led by the Kenya Red Cross Society and MSF, although a good number of NGOs and faith-based organizations offer relief items to the communities affected by the conflict. The Red Cross also provided support all over the District in terms of shelter, food, clothing, counselling and tracing, linking and uniting members of families forcefully separated by the conflict.

Most of NGOs and faiths-based organizations have focused on peace-building efforts. It is however, not clear whether the key actors to the conflict, especially the Lairbons, were effectively involved in these peace efforts given the influence some of them wield over the SLDF.

15 IMLU is a non-governmental human rights organisation working in Kenya.
16 There were similar findings by the Human Rights Watch.
18 NCCCK, Op. Cit. p.33
19 Human Rights Watch is an independent human rights organisation dedicated to defending and protecting human rights globally.

At the international level, Human Rights Advocacy efforts were led by the Human Rights Watch[19], while domestically, the Western Human Rights Watch, Mwatikho and IMLU were the NGOs that advocated for the sanctity of people’s human rights even during the security operation.

1.4 Research Objectives and Scope

The UNDP/OCHA rapid assessment sought to analyse the Mt. Elgon conflict along three broad thematic areas: social and economic issues; community and governance issues; and security issues.

Specifically, the assessment of social and economic issues investigated:

(i) Historical factors influencing the conflict;
(ii) Social exclusion, cultural identity, economic exclusion and drivers behind the recently experienced youth violence;
(iii) Poor education and inaccessibility to tertiary education.

Investigation of community and governance issues looked at:

(i) Issues of civic rights and empowerment as factors contributing to violence;
(ii) Evidence of impunity and political factors in the conflict;
(iii) Community governance in respect to Laibonism, its interplay with the local government, provincial administration and local leadership;
(iv) Gender dimensions of the conflict, especially the position of women and conflict.

An inquiry of the security infrastructure within the region sought to:

(i) Identify issues around both community and individual security;
(ii) Provide success indicators of stakeholder involvement (military, police, provincial administration, community members etc) and the level of confidence among the people;
(iii) Analyse the gender-based conceptions of security;
(iv) Develop a program to deal with the militia groups and criminals.

1.5 Methodology

Borrowing from conceptual ideas of human security and security sector reforms, the study expounds on the point that the purpose of the country’s security infrastructure is to maximise on people’s freedom from fear and want. The utility of ideas in human security captures the broad issues of focus for the three themes of research in Mt. Elgon.

The study utilised primary and secondary data collection techniques. An extensive analysis of secondary data was done based on books, published and unpublished reports, newspaper sources, and official government documents.

Focus group discussions, questionnaires and key informant interviews formed the basis of primary research in Mt. Elgon, Trans Nzoia West and Kwanza. Quantitative data from official government reports and other relevant sources was also utilised.

A variety of respondents were targeted, with specific emphasis on ethnic and demographic representation, and focus on both displaced and non-displaced community members. The target group included:

(i) Women and women groups;
(ii) Elders;
(iii) Youth;
(iv) Poor education and inaccessibility to tertiary education.
(iv) Politicians (former and sitting MPs and Councillors, and aspirants);
(v) Religious leaders;
(vi) Teachers;
(vii) Civil society professionals;
(viii) Diaspora professionals.

1.6 Utility of the Rapid Assessment

The utility of the UNDP/OCHA rapid assessment is in the gaps (in research and interventions) it will address. Interventions in Mt. Elgon have largely included humanitarian interventions, government security measures, community dialogue efforts, and psycho-social support. Similarly, most research on the problem in Mt. Elgon has focused mainly on the conduct of security forces in their interventions, analysis of the conflict, its dimensions and needed solutions, and assessment of humanitarian and psychosocial needs. 20

The result of research findings on human rights violations by security forces has widened the rift between civil society and security forces on the issue of how to address the Mt. Elgon conflict. Further, District residents have equally been caught in the debate and have taken sides on the issue (e.g. reports of demonstrations in favour of the security forces and against some civil society organizations).

As such, what is needed is objective research on how to address the challenge of putting in place a cooperative and integrative security infrastructure – one that embraces the individual, community, and civil society as partners of security forces in their efforts to enhance law, order, peace and stability in Mt. Elgon.

It is also noteworthy that the identity problem is one of the drivers of the conflict in Mt. Elgon. But there appears to be no informative inquiry into cultural and identity issues that feed the conflict. The "Kalenjin" identity is itself, according to historians, a recent, collective identity that formed in the postwar period during the Mau Mau Emergency (1950s). 21 Similarly, the collective "Sabaot" identity was formed when political leaders in modern times formed to be no informative inquiry into cultural and identity issues that feed the conflict. The "Kalenjin" identity is itself, according to historians, a recent, collective identity that formed in the postwar period during the Mau Mau Emergency (1950s). 21 Similarly, the collective "Sabaot" identity was formed when political leaders in modern times formed

It is in this light that some historians recommend further study on the Kalenjin groups and identity. 22 As such, the UNDP/OCHA assessment, in addressing the identity question among the Sabaot, fills some gaps in cultural discourse.

In addressing the identity gap, the study will simultaneously resolve another important question – the historicity of security forces in their efforts to enhance law, order, peace and stability in Mt. Elgon.

2.2 Land as a Social-Economic Cause of Conflict

The conflict in Mt. Elgon District can be traced to colonial land policy where African land was alienated to create white settler farms in the greater Trans-Nzoia region. This resulted to the displacement and subsequent settlement of the sections of Sabaot community (Dorobo/Mosop in Chepkitale) trust land on the upper slopes of Mt Elgon and the Sor in the lower sides of the slopes. However, the historical settlement pattern of Sabaot communities has been covered in the Chapter on Governance. Therefore this section will only delve into the underlying economic and social causal factors related to land conflict in Mount Elgon District. The section will focus on two major aspects; management of land policy and law and the emerging land scarcity. Specifically the attention will be on the Chepyuk settlement scheme comprising of the three phases which resulted in the never ending conflict.

2.2.1 Management of Land Policy and Law

The establishment of Chepyuk settlement scheme and the subsequent dynamic settlement process in the three phases was based on several socio-economic factors that characterised each phase 22:

Phase I

The rationale for Phase I scheme (which was set up in Emia and Chepyuk locations of Kopsiro division) was the need to settle the Dorobo/Mosop from Chepkitale trust land/the Moorland:

(i) In order to protect them from the incursions and cattle raids from the communities across the neighbouring Uganda who were composed of former soldiers of Idi Amin who had fled to Mt. Elgon in 1979-1983;
(ii) In order for the government to be able to provide them with services like health care and education. The physical access and infrastructure in the Moorland made it difficult for the provision of such services;
(iii) The trust land area, as a water catchment area, needed to be preserved and the area subsequently established as a game reserve.

However, the Dorobo have been raising a case with the government since then to be allowed to maintain their traditional forest conservation system as they harness its utility in various ways such as bee keeping and honey harvesting as well as preservation of their grazing rights. The informants from the Dorobo who were interviewed reported that they had proposed to the government that they be allowed to participate in the utilisation of the game reserve just like the Maasai in the Kajado

22 Ibid., p.387
23 See for example, Ogutu, A. B., History as Destiny and History as Knowledge: Being Reflections on the Problems of History and Historiography, Kisumu: Anyango Press Limited, 2005, p.105-106
and Maasai Mara game reserves. In this way, they would do their farming in Chepnyuk while grazing their cattle in the Moorland. However, the Dorobo have on several occasions been evicted from the Moorland. This has resulted in simmering suspicion among themselves that the Soy who control Mt. Elgon County Council could have been behind those evictions, subsequently raising ethnic tensions.

Phase II
The Phase II resettlement scheme was undertaken in Cheptoror and Kaimugul in Kopsiro Division (in 1979). The rationale was the need to resettle the families which missed out on land or were evicted in Phase I.

Phase III
The Phase III resettlement was done in Chepkurkur and Korng’otuny in Kopsiro division. The rationale was based on the petition from the Soy clan for the families which were “dispossessed” from Phase II. However, the major challenge with Phase III was that most of the inhabitants had invaded the forest and allocated themselves some large tracts of land.

Issues that Arose from the Three Phases
The management of the Chepnyuk Phase I, II and III, in terms of policy and law, led to underlying cross cutting social-economic contributory factors to the conflict which has persisted to date. These are:

(i) Inequitable distribution of access to land: Some families acquired land before government could gazette the land. This was occasioned by delays in completing the legal settlement process which includes land survey, adjudication, allocation and granting of land titles. As a result, families would settle in parcels of land that were either not formally surveyed or officially demarcated. In addition, there was a high number of people who had land elsewhere in the district or neighbouring districts that took advantage and invaded the forest allocating themselves parcels of land. Therefore, after the de-gazettetion of the forest and formal allocation, some of the genuine already settled families would be evicted or miss out in all the allocation phases. The presumption by the communities was that the government would later demarcate the land and each family would still be allocated the land where they were occupying. As observed by informants from both the Soy and Dorobo during the research, the delays in completing the resettlement process in each phase gave rise to opportunist negative ethnicity.

(ii) Insecure tenure: The government land surveys and allocations had major gaps in granting land security to some of the allottees in the form of land titles. However, despite non-formalisation of the allocations, some of the allottees sold the parcels of land to others. A case in point is where, in 1979 and 1988, some of the Dorobo preferred to sell their land or rent it out to the members of the Soy clan or non-Sabaots (like Bukusu) and moved back to Chepkitale. However, later on there was no proof of ownership despite the transactions having taken place. This created discord when Dorobo were evicted again from Chepkitale and came back to claim their earlier held land. Phase I and II were the most affected. In other situations, the multiple allocations of parcels of land to more than one person resulted in some losing land they would have otherwise owned legally.

Therefore, the land transactions in Chepnyuk phase I, II and III which did not have legal force due to lack of titles and the consistent evictions of families or non allocation to deserving cases negatively affected those families economically. In this regard, in 2006, when the latest conflict erupted, those who felt aggrieved during the previous allocations felt compelled to fight for their economic rights. As such, the conflict in Mt. Elgon District was by and large a result of real and perceived dispossession or denial of economic rights and livelihood in the form of land. Consequently, conflict resolution in Mt. Elgon District will need to focus on the economics of land rights and restitution.

2.2.2 Insufficiency of Land
The land-based conflict in Mt. Elgon District could be looked at from the perspective of shortage of the resource. As Simiyu notes (Simiyu: 2008), there were no reported conflicts between soy and Dorobo when the later were allocated Chepnyuk phase I as more land was still available. The relationship between the Sabaot and non-Sabaots was also cordial. However, as the non-Sabaots started owning land in Chepnyuk through purchase, competition for land resource gained momentum. At the same time the Dorobo were moved from Chepkitale trust land, which is 35,000 hectares, into Chepnyuk scheme which was 6,500 hectares. This resulted in the drastic reduction of available grazing land and also limited access to forest resources. In addition, as the delays occurred by government formalisation in land allocation and issuance of land titles were continuing, the population of the district grew across all the communities. For example, those who were children in the initial allocations and thus didn’t qualify would be adults by the time the government is concluding the process. This therefore resulted in the surge of the number of applicants despite the fact that land for distribution was not expanding. According to Kenya National Bureau of Statistics (KNBS), Mt. Elgon District has the highest household composition which currently is 7.7 members per family. In addition, 63.6 % of the population owns land at an average or 2 acres while 13.7% rents or leases the land (KNBS 2008). This implies that an average of 7.7 household members depend on 2 acres of land for livelihood. Therefore the demand for the limited land for government allocation continues to increase, which coupled with irregular allocations, gives rise to opportunities for conflict. As families strain to access adequate land, they have become vulnerable to the land based negative ethnicity perpetuated by political leadership or militia groups. Such leadership and groups, as was evidenced by the ideologies of Sabaot Land Defence Force (SLDF), promised more access to land that was in the hands of other clans or communities in the region.

2.3 Social Relations and Negative Ethnicity

2.3.1 Sabaot and Bukusu Relations
The conflict in Mt. Elgon District has been characterised by the long struggle by the Sabaot against the historical injustices occasioned by the disinheritance of their ancestral land in the wider Trans-Nzoia region by the colonial government without any form of compensation by successive governments. Initially, the Sabaot were situated in the Bungoma District in Western Province. Although they share similar cultural ties and practices with the neighbouring Kalenjin community in the Rift valley, the Sabaot were administratively grouped together with the Kipsigis and Kipsigis groups with whom they did not share common ties (Simiyu 2008). Bungoma District was mainly dominated by the Bukusu who were the majority in numbers, with the Sabaot being a minority. As some of the informants in the research noted, the problems between the Bukusu and the Sabaot began during the resettlement programme in the Trans-Nzoia District after the white settlers left. The Bukusu had strong national leadership with people like the late Masinde Muliro who could negotiate on their behalf while the Sabaot lacked such calibre of leadership. Therefore, the Bukusu got a bigger share of land allocation than the Sabaot despite Sabaot’s claim on Trans-Nzoia as their ancestral land. Coupled with this, as expressed by the informants, most of the development in the Bungoma District was directed to the Bukusu dominated areas. An example was given of opening up maize buying centres in Kapotla, Kwiro, Kibingei and Kigul which were along the boundary but on the Bukusu side despite the fact that the maize was being brought from Mt. Elgon. This made the Sabaot to transport the maize from far distances using donkeys. In addition, the grading and tarring of roads was done on the Bukusu dominated side which perhaps explains why there is no tarmac road in Mt. Elgon. The Sabaot therefore felt that the Bukusu were deliberately marginalising them on ethnic lines.

Due to the feeling of marginalisation, the Sabaot demanded to have an administrative district established for them. Initially, they demanded that the district be carved from parts of Bungoma District and parts of Trans-Nzoia District (which is in Rift Valley Province). In this way, the Sabaot felt that an administrative district would rectify the imbalances and grant them a chance to be in control of their resources and affairs. The Mt. Elgon District was as result created in 1993 from Bungoma District since a hiking off from Trans-Nzoia would require a constitutional amendment to alter the provincial boundaries.


However, the ethnic relations between the Sabaot and non-Sabaots in Mt. Elgon district have been strained. The Sabaot community has harboured the perception that Mt. Elgon is virtually the exclusive domain of the Sabaot because of the traditional and historic occupation of the region. This perception of exclusive land rights has contributed to political conflict as each group seeks to maximise its political and economic interests. The struggle over land has intensified in the district with the introduction of new settlers who are predominantly from the Luo and Kikuyu communities. The Sabaot community has reacted with hostility, violence, and occasionally, military intervention, especially during the land allocation process. The Sabaot have been accused of contributing to the ethnic dimension of the Mt. Elgon conflict.

2.4.2 Poor Road Network

The road network into and within the District is very poor. There is no road in the District that has tar/asphalt. Most of the roads are in deplorable conditions. Therefore, the area is not easily accessible and is impassable during the rainy season. Consequently, transportation of humans and goods is hampered. It is also challenging to move the agricultural produce to the market. Difficulties in accessing most parts of the region hampered the security operations during the conflict. It also hindered the provision of emergency and relief services. However, at the writing of this report, the government has commenced the construction of Kamkuywa-Kaptama-Kapsokwony-Kopsiro-Chwele road.

2.5 The Socio-Economic Impact of the Conflict

2.5.1 Physical Bodily Harm and Loss of Life

The actual number of deaths as a result of the 2006-2008 conflict in Mt. Elgon is yet to be established, but according to the Human Rights Watch, approximately 600 people were killed by SLDF. There were others who were maimed, had their ears chopped or tortured as a way of punishing them (Human Rights Watch 2008). As a result, the number of widows and orphans surged in the district. One of the informants and a local leader with a women group had gathered information and was in possession of a list with names of 289 widows and 683 orphans in Kopsiro Division as a result of the conflict.

2.5.2 Destruction of Shelter

According to International Rescue Committee (IRC) report, houses were destroyed or burnt by SLDF. Due to loss of livelihood and income, those who lost shelter were not able to reconstruct them despite their willingness to return to their homes. Experience shared by two of the informants during the research corroborated this report. One shared how one morning she was awakened by SLDF youth who had come to ransack her house. After returning home, she found out that her house was destroyed by the militia during the conflict and was struggling financially to rebuild those businesses. One of her businesses was destroyed by the SLDF, and she had to leave as they torched the house in her presence. The other one shared how he fled as his village was being attacked by the militia. Few days after when he returned, he found out that his house had been burnt down.

2.5.3 Destruction of Livelihoods

The conflict and violence in Mt. Elgon disrupted the agricultural activities in the District as people fled from their homes for fear of their lives. Five of the informants during the research reported that their businesses were destroyed by the militia during the conflict and were struggling financially to rebuild those businesses. One of the informants also reported how she lost over 30 heads of cattle to the SLDF. As a result, some of the parents were sending their young girls to towns within the province to work as house helps, putting them at the risk of sexual exploitation and child trafficking.

2.5.4 Rape and Sexual Abuse

Statements from the informants during the research indicate that there was a high number of women who were raped or sexually abused by either the SLDF or the security forces. Some of the women had been sold as sex slaves by the militia. This information is corroborated by reports by other organisations that have undertaken human rights violations by the SLDF and the security forces. Yet, there was no action taken against the SLDF or the security forces by the government and the police.

2.6 Conclusion

The conflict and violence in Mt. Elgon is the result of several factors, including economic, social, and political factors. The conflict is a product of the lack of political, economic, and social development in the region, which has led to poverty, unemployment, and inequality. The conflict is also fuelled by the ethnic rivalries and political ambitions of the involved parties. The conflict is a result of the failure of the government to address the underlying causes of the conflict and to provide a stable and peaceful environment for the people of Mt. Elgon. The conflict is a result of the failure of the government to address the underlying causes of the conflict and to provide a stable and peaceful environment for the people of Mt. Elgon.
similar surveys in the District. However, it was challenging to gather the accurate data as the reports mentioned that most of the victims would not report the cases to the police or local administration for fear of intimidation and the likely repercussions. One informant during the research narrated her rape ordeal during the conflict. She narrated how three young men who were known to her came one morning and forced their way into her house and raped her in turns on accusation that she was collaborating with the “enemies” of SLDF.

2.5.5 Trauma and Stress

There are men, women and children who were seriously traumatised by the conflict. Some watched as their relatives or neighbours got killed by SLDF. One informant during the research narrated how one morning she was picked by three young men from SLDF on the account of being an informer with local administration and refusing to pay “taxes”. She was taken to the forest and charged in their “court”. She had been sentenced to death but they later changed their minds and decided to let her free. However, they took her to a tent nearby where she was made to witness three people being killed as a warning to her if she did not abide by their refusal to pay “taxes”. She was taken to the forest and charged in their “court”. She had been sentenced to death but they later changed their minds and decided to let her free. However, they took her to a tent nearby where she was made to witness three people being killed as a warning to her if she did not abide by their law. Others had to flee on foot and trekked for long distances as they escaped from the conflict. Majority of them were tortured and maimed and are still living with the trauma and pain. Those who were raped and sexually violated still suffer psychological trauma and shame.

2.6 Recommendations

In order to address the long standing socio-economic issues that have contributed to the conflict in Mt. Elgon district, the following issues need to be dealt with:

(i) The government should conduct an audit of the entire Chepyuk settlement scheme in a bid to identify the genuine land owners, those with multiple allocations and those with and without titles. In this way, the long held grievances due to injustices carried out during the allocation procedures will be addressed. Such an audit will also involve the establishment of the boundaries of the entire settlement. It is recommended that the government involves credible community leaders/elders and faith based organisation leaders among others in this process.

(ii) The government, donor community, NGOs and faith based organisations should assist the people whose shelter was destroyed in reconstruction. They could provide building materials or other appropriate assistance.

(iii) The faith based organisations, NGOs and government should provide psychosocial support and counseling to those who are going through post-conflict trauma.

(iv) The NGOs, faith based organisations, donor community and government should step in and provide small and micro enterprise grants to the people whose businesses were destroyed and are currently struggling to begin life afresh.

(v) The government, through local administration, NGOs and faith based organisations should engage in initiatives that will help the different communities/clans to build trust among themselves and also with the public governance systems.

(vi) An assessment/survey should be conducted to establish the level and extent of social and economic discrimination among the different communities in Mt. Elgon in areas such as access to local employment, participation in local governance institutions like county council, district committees and initiatives in private sector/civil society and distribution of public resources and funds.

(vii) On a long term basis, there is need to improve road infrastructure as envisaged by the District Development Plan.

3.0 COMMUNITY AND GOVERNANCE ISSUES

Barrack O. Muluka

3.1 Introduction

Different accounts have been given for the Mt. Elgon conflict, depending on who is giving them and what their agenda is. This also happened during this research. The objective is to justify a certain grievance perspective. The ultimate aim is to appear to be more sinned against than sinning. The conflict has consequently been informed by a lot of deliberately distorted narratives on all fronts.

The distortions play a critical catalyst role in the conflict. They therefore need to be addressed before any meaningful solution can be achieved. The distortions range from ethnicity and ethnic identity, through the history of the conflict to the role played by different parties and persons in the conflict. The only consistent factor is that the springboard of the conflict is the land issue.

The history of the conflict has been covered in Chapter 1 of this report. We shall not, therefore, repeat it here. We only look at specific historical factors in the context of particular administrative, leadership and governance questions. But so that the conflict may be better understood, we begin this chapter with an elaborate attempt to understand identity questions. We then move on to examine the historical interplay between various leadership/governance concerns and the conflict. We finally conclude this chapter with some recommendations on the way forward.

3.2 Identity and Human Settlement

Four main communities occupy Mt. Elgon District. Official Government sources give population structure along language community lines as follows:

<table>
<thead>
<tr>
<th>Community</th>
<th>Sub-tribe</th>
<th>Population</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sabaot</td>
<td>Soy sub-tribe</td>
<td>87 000</td>
</tr>
<tr>
<td></td>
<td>Ndotobo sub-tribe</td>
<td>40 000</td>
</tr>
<tr>
<td>Bukusu</td>
<td></td>
<td>21 000</td>
</tr>
<tr>
<td>Iteso</td>
<td></td>
<td>10 000</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>158 000</td>
</tr>
</tbody>
</table>

The distinction between the Ndotobo and the Soy is linguistically misleading. Indeed, members of the so-called Soy sub-tribe often tend to refer to themselves as Sabaot, to the exclusion of the so-called Ndotobo. These distinctions are only helpful to the extent that they entrench non-existent linguistic differences, for the so-called Soy and Ndotobo are strictly linguistically speaking the same language community. To appreciate this, a brief look at the various names by which the Sabaot communities in Mt. Elgon are known by will help a great deal. The following names are to be found – Mosop, Ogiek, Ndotobo, Soy, Kony, Somek, Sabaot, Pok and Bongomek.

3.2.1 The Names Mosop, Ogiek, Ndotobo and Soy

The names Mosop, Ogiek and Ndotobo refer to the same cluster of people. These are the pastoralist people who live up north in the higher parts of the Mountain. The name Mosop is a Kalenjin adjectival word used for higher ground. In distinction to this is the word Soy, which is used to refer to lower lands. In this context, therefore, the Mosop and Soy are one and the same people. The only distinctive factor is that the people who live in the higher ground are pastoralists, while those in the lower grounds are agrarian. The choice has been made necessary and obvious by the relief of the two places. The lower one is friendlier to agrarian activity while the higher one can only support pastoralism.

34 International Rescue Committee, Kenya Humanitarian Assessment Mt Elgon District, 2008 and Human Rights Watch, All the Men Have Gone
35 International Rescue Committee, Kenya Humanitarian Assessment Mt Elgon District, 2008 and Human Rights Watch, All the Men Have Gone
Beyond this, the Mosop people are also given to hunting and gathering. They have sometimes been referred to as hunter-gatherers in a rather exaggerated manner. Hearing about their culture of hunter-gathering, one gets the impression that they are an extremely simple and traditional people, cut off from the trappings of modern living. This is not entirely correct – definitely not today – even if it may have been the truth in the past. The Mosop have steadily acclimatised into many modern ways, even if they remain somewhat behind most other communities. But they are not hunter-gatherers in the traditional sense of the word.

The name Ndarobo is commonly used for the Mosop. It has been borrowed from the Maasai, where it is used to refer to ‘an economically and socially disadvantaged people’. It was in the past used derisively and disparagingly and may suggest elements of ‘primitiveness’. The same word is therefore used to refer to such a people among the Maasai in other parts of Kenya and in Tanzania. The Kikuyu also have their own ‘Ndorobo’.

The name Ndarobo, therefore, has no linguistic distinctiveness and certainly does not linguistically differentiate between the Mosop and Soy people of Mt. Elgon District. It is, however, significant in defining their relative social disadvantage as contrasted with other Kalenjin communities.

Over the past two decades, another name, the Ogiek, has found common usage in referring to the Mosop people. It is a name which has most likely been introduced into common usage by Mosop intellectuals so as to subsume them into the Ogiek community of Mololo in the Rift Valley, for purposes of establishing a common and expanded bargaining platform in matters that touch on what are today commonly called indigenous people – and who are perceived to be threatened by other peoples. Once again, therefore, the name Ogiek does not linguistically correctly differentiate between the Mosop and Soy people. In point of fact, similarities between the Mt. Elgon Ogiek and Ndarobo are of questionable validity.

### 3.2.2 The Kony and Sabaot Names

The two names of outstanding significance are the names Kony and Sabaot. As already observed, the Mosop and the Soy are one and the same people, except for a few nuances defined by their economic pre-occupations around agriculture and pastoralism. At the advent of colonialism in Kenya, they did not use any of the names Kony, Soy, Ogiek, or Mosop. The Soy and Mosop names came into use after they had been displaced from their original home in Trans Nzoia in early 1930s. The distinction was therefore essentially defined by the terrain they occupied, as described above. But they all went by the name the Il Kony.

From the name Kony is therefore derived the name of the Mountain, and in recent times the name of the District. In the absence of more valid explanation of nomenclature, the land in the Mt. Elgon region can therefore be subsumed to be traditionally the land of the Kony. Historical studies show that other peoples may also have traversed these lands, especially the Bukusu and the Teso. The itinerant nature of the pastoralist Kony may also have paved way for easy settlement in the region and in the neighborhood by more sedentary Bantu-speaking communities of the Abaluyia. The Bantu speaking peoples then went on to build fairly permanent settlements and forts around them. But there is no dispute that the Kalenjin speaking peoples – in this case the Kony – were the first known people to lay claim to the territory around Mt. Elgon, as far as diverse places in Bungoma and Uasin Gishu Districts.

The Somek, Pok and Bongomek are a strand of the Kony community, essentially speaking the same language and engaging in the same socio-cultural and economic activities. While they have been largely absorbed into the larger Bukusu community, it is instructive to note that the Pok reside west of Kapsokwony, up to Lwakhakha on the Kenya-Uganda border. The Bongomek are principally from Bungoma and the name Bungoma is itself derived from their community name.

The name Soy would appear to have officially come into use for the first time in 1949, following a population census in which the British colonial government decided that all these peoples were one people. It is our submission that the name Kony may have worked just as well as the name Soy. But not everybody agrees to the use of the name Soy. The Mosop, or Ndarobo as they prefer to call themselves, are an angry people due to perceived and real marginalisation. On account of this anger, they have often outright rejected to be called Soy. In a memorandum that they submitted to the Parliamentary Committee on Defence and Foreign Affairs, they said in part: “There is no known historical tribe called Sabato or a clan called Soy. The misnomer, ‘Sabaot tribe’ was a creation of certain political leaders at the time of Kenya’s independence. These leaders were Daniel Moss, Mr. Chemonges and Mr. Kiti, this new creation was a politically expedient move. The Sabaot seek to put into one pot the Pok, the Kony, the Bongomek and Somek communities. The Ogiek or Ndarobo have always had and continue to have a different way of life to these communities.”

It is instructive that this disclaimer emphasizes ‘a different tradition and way of life to these communities’ rather than the people being different. This difference is defined by whether one is agrarian or pastoralist. A Soy person who should migrate to the ‘land of the Mosop’ will therefore become a Mosop and vice versa, as there are no other distinguishing factors. In the rest of this chapter, we have used the name Soy to refer to the lower ground community, which otherwise prefers to call itself the Sabaot. It includes all those people who are called the Ogiek, Ndarobo, Soy, Kony, Somek, Sabaot, Pok and Bongomek. This is in contrast with the high ground people, the Mosop/Ndarobo, who are also called the Ogiek. We recognize that the difference in nomenclature is purely political, and is informed by angry feelings of marginalisation and relative deprivation.

### 3.3 Leadership and Governance

Leadership and governance has perhaps never failed the test as it has done in Mt. Elgon District. In point of fact, the conflict can be subsumed to be simply and squarely the result of failure in leadership. From the very outset, the question of land, which is at the heart of the conflict, was handled irresponsibly and even indiscreetly by those who were privileged to be in positions of leadership. It is going to be our recommendation that as part of a search to an enduring solution, leadership shake-up will require to be done in such a manner that the people’s faith in political and administrative leadership can be restored. To underscore our findings in this regard, it is useful to examine how various tiers of leadership have contributed to the conflict.

#### 3.3.1 Colonial leadership

Under the authority of the Carter Commission, British colonial authorities moved whole peoples from their original homes in Trans Nzoia without any regard to how and where they would settle. While some went into the forest and into the Moorland without consideration that at the altitude of between 11 000 and 12 000 feet above the sea level, the area was too cold for productive work of any significance. Secondly, while they were promised monetary compensation, this did not go beyond writing on paper. It was also to be argued that they had been moved to alternative land and that they should therefore forfeit any monetary claims.

#### 3.3.2 Lancaster House Independence Talks

The Mt. Elgon community – the Kony, Sabaot, or Ndarobo-Mosop – were not represented at the Lancaster House talks. The talks, including John Keen, Stanley Ole Oloitiptip, Justus Ole Tipis and William Ole Ntimamah, did not, in fact, sign the Lancaster House Constitutional agreement. Mt. Elgon leaders are of the view that they would not have signed even if the talks were handled responsibly and even discreetly by the people who were privileged to be in positions of leadership. It is going to be our recommendation that as part of a search to an enduring solution, leadership shake-up will require to be done in such a manner that the people’s faith in political and administrative leadership can be restored. To underscore our findings in this regard, it is useful to examine how various tiers of leadership have contributed to the conflict.
3.3.3 Settlement by the Kenyatta Government

The Jomo Kenyatta Government attempted to address the land question among the Mosop between 1965 and 1971. Poor management of the project sowed the first seeds of what has contributed to the present problem. In the first instance, the initiative shows signs of insincerity on the part of local leaders behind the initiative.

The quest for land was initiated by the then Member of Parliament, the late Daniel Moss. In asking for the land from Mzee Kenyatta, Moss said that there was need to move the Mosop/Ndorobo to more hospitable and agrarian land. It was strongly expressed that they needed to be drawn into ‘modernisation’. That they should participate in agricultural activities and send their children to school, while also enjoying other modern conveniences such as hospitals, roads and allied infrastructural facilities. Land was initially identified in Nakuru and in Uasin Gishu districts. But Mosop/Ndorobo elders turned it down. They were eventually settled in the lower parts of Mt. Elgon in 1971 in what is referred to as Phase I of the settlement. Further land was excised in the early 1980s.

About 500 Mosop/Ndorobo families were settled in what has gone down as Chepyuk Phase I. About 4000 acres of forest land were excised for these purposes. Each family got between 15 and 20 acres of land. In the second phase, each family got 5 acres. But, although commonly spoken about on the ground, the following things are rarely told about, or acknowledged in official circles:

(i) The political leadership that asked for this land had hidden political and economic agenda. Politically, the Kony/Sabaot leaders saw a good opportunity to beef up their numbers in this area. This would enable them to boost their numerical strength in local government politics against the Bukusu and Teso.

(ii) The Mosop/Ndorobo were initially ill-placed for agrarian activity. This led to their being taken advantage of by the agrarian Soy and other peoples. Some Mosop/Ndorobo sold their land to the Soy or to outsiders, including Bukusu, Teso and even to government officials in the then Bungoma District. Others allowed members of these other communities to lease their land in whole or in part, for pittance consideration.

(iii) Some Government officials were in fact direct beneficiaries of this land, as were the political leaders who had asked the Government for exclusion of the land. Land ballots were reportedly bought from government officials in Bungoma for an average of KShs. 10 000.00 per ballot. At least 300 parcels are believed to have been acquired in this manner.

(iv) There was major failure on the part of Government, giving as the officials did, letters of allocation and ballots to up to three people for the same parcel of land.

(v) A significant number of the Mosop/Ndorobo returned to their former habitation in the forest, where they continued with their former pastoralist and hunter-gatherer activities.

(vi) No proper survey of land, moreover, had been done. Land demarcation was therefore quite arbitrary. This paved way to easy dispossession on part and sometimes even on the entire piece that one was entitled to. This happened widely when the Mosop/Ndorobo received agrarian assistance from their Soy brothers in exchange for a portion of their land, or temporary cultivation rights. Some Soy converted these temporary cultivation rights to permanent land occupation.

3.3.4 1988 – 1999 Land Surveys

Land surveys eventually took place between 1988 and 1989. The process was driven by the provincial administration, under the stewardship of Mr. Francis Lekolool. They established that apart from a few original Mosop/Ndorobo immigrants, others who held or lay claim to the land in the settlement scheme were the Soy who had been invited to work in the Mosop/Ndorobo land in exchange for a portion of land or farming rights, government officials who had corruptly obtained land, local elites (including traditional elites and opinion leader families) who had received disproportionately large portions. There were also those people who are known in Kenyan parlance as ‘land grabbers’.

Even at this point the surveyors and government administrators are reported to have given land to themselves, to their families and friends and to sundry outsiders who obtained land corruptly. Where the surveys should have helped a great deal, they served largely as one more nail in the reputation of government in the eyes of the original Mosop and Soy communities. But significantly, the Soy people would appear to have benefited in all transactions up to this point, leaving the Mosop feeling oppressed and bitter.

Matters were made worse by the fact that all elected Members of Parliament for the area had come (and have continued to come) from the Soy community. The MP for Mt. Elgon at this point was Wilberforce Kisiito. He was perceived among the Mosop/Ndorobo as leading oppression against them. They successfully lobbied for the dismissal of Kisiito from government, where he was serving as assistant minister. In this, the Mosop/Ndorobo enjoyed the support of prominent Nandi leaders, fronted by the late Bishop Alexander Kipsang Muge of the ACK Diocese of Eldoret.38

3.3.5 Mismanagement of Chepyuk Phase III: Apex of Discord

Chepyuk Phase III has been the seedbed of atrocious conflict. It is at once a tale of greed, deceit and poor project management. It is important to note the following:

(i) Chepyuk III was initially occupied illegally. The Mosop/Ndorobo having been the official beneficiaries of Phases I and II, Soy leaders also wanted something that was officially theirs from the start. The Soy began by illegally moving into the controversial forest area that is known as Chepyuk III. There were no administrators, no government, no law and order. People simply moved in and hived off for themselves as much land as they were able to hive off the forest and lay claim to. There was no formal government recognition of their presence on this land, for a long time.

(ii) In 2001, Soy leaders visited and petitioned the then President Daniel arap Moi to formally recognise them as the owners of this land and to give them title deeds. They were led by the present Member of Parliament for Mt. Elgon, Mr. Fred Kapondi, who was then the District Kanu Chairman for Mt. Elgon District. Government yielded to their pleas. The land was to be surveyed and each family allocated 2.5 acres.

(iii) All the anomalies that had informed allocation in Phases I and II replayed themselves in Phase III. But they were even more sharply defined at this stage. Claims of nepotism, political interference, corrupt acquisition by government officials and allocation to outsiders and disrespect for the standard allocation of 2.5 acres have been cited. This detailed the process. Once again there were several people laying claim to the same parcel of land.

(iv) Besides, local Soy and Mosop/Ndorobo leadership fanned the fire by demanding on each side that the entire Phase III land should be exclusively given to their ‘community’. The Mosop/Ndorobo even recommended that if this was not possible, then the Phase III scheme should be scrapped altogether and that the land reverts to its forest status.

(v) Government had only 1732 plots of 2.5 acres each. This was way below the 7000 landless persons looking for settlement. Provincial administrators and local elders vetted the 7000 persons for allocation. They identified 866 Soy and 866 Mosop/Ndorobo for allocation. The remaining more than 5000 people were not happy. They would later be a critical part of the ensuing atrocious armed conflict.

38 Kisiito later protected his莫斯科 and got his friends in Kasese to talk to President Daniel arap Moi, who then returned him in Government in the same capacity as Assistant Minister.
Some of those who had invaded the Phase III area before formal government recognition had amassed huge acreage. The names Patrick Komon Yego and Laiobon Pongoyo have been commonly cited. Such persons are reported to have resisted survey and allocation of 2.5 acres. They would also play a leading role in the armed conflict.

Before taking up arms, the disaffected people went to court to seek an order stopping the survey and allocation. They included those left out of the 1732 allottees as well as the large land holders. Although they are said to have gotten the court order, government disregarded the court order and went on with the survey and land allocation anyway.

Upon completion of allocation, government engaged in forceful eviction from Phase III of all who had not been allocated. Reports have it that government officials burnt down houses and destroyed other property in the eviction exercise. There were perceptions of disregard for the rule of law by government and general feeling of bitterness and anger among the displaced Soy people. The Sabaot Land Defence Force (SLDF) was born, ostensibly to fight for the rights of the displaced people.

3.3.6 Collapse of Governance in Mt. Elgon

The conflict in Mt. Elgon has often been informed not just by what can only be described as corrupt and poor decisions by provincial administration; there has often been collapse of governance and even apparent complicity of government officials in pursuant and atrocious activities. Consider the following:

(i) **Firearms in the conflict:** Firearms are believed to have been irregularly introduced into civilian hands in the early 1990s, by very high ranking government officials. It was alleged that there were Kenyan fugitives operating in eastern Uganda, seeking to overthrow the government of Retired President Daniel arap Moi. They were said to be under the leadership of a certain Brigadier Odongo and a Wangamati. The leaders of this movement were paraded on national television, having allegedly been variously subdued, or voluntarily handed themselves to government. Whatever the case, the arms that were given to youth in Mt. Elgon ‘to protect Kenya’ from Brigadier Odongo’s army never left the Mountain. They would appear to have played a key role in the 2006 – 2008 armed conflict.

(ii) **Following the 2005 Referendum** on the Constitution of Kenya, a leading politician in the district is reported to have been extremely annoyed that his side had lost the referendum. He is reported to have bought some 14 guns and placed them in the hands of hired youth. Their brief was to eliminate some carefully targeted people, who had frustrated the referendum in the district. The youth were led by a Kanu leader who would later rise to prominence in the district. He was the same leader who is believed to have earlier received guns to fight Brigadier Odongo and FERA. However, he soon fell out with the prominent local politician who had brought him the guns. The explanation is that the position taken by the politician in the referendum was contrary to the official position of Kanu. But the guns were never given back. They would play a role in the SLDF armed conflict. The prominent politician is on record as having said that he not only knew who the youth with the 14 guns were, but that he also knew the serial numbers of the 14 guns.

(iii) **SLDF became law unto themselves** as government slept. They established parallel informal government in Mt. Elgon District which for two years terrorised all and sundry almost as if they were the leaders of a sovereign state internal government did not wish to interfere with. Ordinarily the National Special Intelligence Service (NSIS) ought to have alerted government on what was in the offing. But while this survey has not established what went wrong with NSIS, our findings show that when alerted of the impending conflict by NGO workers on the ground, the provincial administration in Kakamega was dismissive and indifferent. SLDF established an illegal court system while government slept. They imposed fines and other illegal penalties on perceived wrong-doers and government did nothing about this for two years. They even passed death sentence against ‘offenders’ and went on to execute the sentence. They carried out wide-ranging raids with adequate fore-notice and yet nothing happened to them. They would even inform the police about where and when they were going to strike next, yet no preemptive action was taken. They even disarmed the police, with impunity.

(iv) **Illegal taxation** was introduced and enforced as government watched. Teachers, civil servants, anybody in employment from the community were made to contribute a regular figure from their income as their contribution to the land defence effort. Those who declined to contribute were ‘sentenced to death’ and killed. It is difficult to resist asking the question: ‘Where was government?’

(v) **Media reports on atrocities** were often dismissed by government officials as sensation by attention-seeking media outlets. It was not until when gory pictures of atrocious activities started hitting television screens in prime-time news that government eventually woke up to its responsibility to the people of Mt. Elgon District.

These factors and many more others expose an insouciant official disposition. Government officials were at best asleep throughout much of the armed phase of the conflict. Future studies may want to establish the cause of this lethargic response to a crisis of this magnitude.

3.4 Other Governance Factors Relevant to the Conflict

3.4.1 Civic Rights

There is a high sense of relative deprivation and political marginalisation among the Mosop/Ndorobo. Since independence, the Members of Parliament have invariably come from the numerically superior Soy region. This notwithstanding, several general elections have been witness to a number of candidates from the Mosop region, who have gone on to lose. In 2007, there were 59,233 registered voters, as follows:

(i) Cheptais Division 18,526
(ii) Kapsiro Division 16,519
(iii) Kapsokwony Division 12,256
(iv) Kaptama 11,862

The Ndorobo contributed an insignificant number to the 16,519 in Kopsiro Division. The Ndorobo feel both hopeless and frustrated with regard to parliamentary politics. They see little hope of having an elected leader from their region. It has been suggested during this survey that the divisions of Kopsiro and Kaptama should be joined to make one new constituency, which should give them better hope of having ‘a leader of their own.’

In terms of civic representation, there are 12 elected councillors and 3 nominated ones. The majority are Sabaot. The Ndorobo are not happy about this state of affairs. They would like to see a rearrangement of wards, such that they have more councillors.

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39 For more on this seek more information about FERA and Brigadier Odongo and Wangamati in the struggle for reintroduction of pluralism in Kenya in the late 1980s and early 1990s.
40 Confidential
3.4.2 Provincial Administration

Mt. Elgon District is one of the 8 districts in Western Province. It has four divisions, Kopsiro, Cheptais, Kaptama and Kapsokwony. Kapsokwony is also the District headquarters, where the DC sits. The provincial administration is treated with a lot of suspicion and mistrust. The people overwhelmingly feel that it is this system which has messed up the land issue in the District. It can hardly, therefore, be trusted to be part of the solution.

There are 16 locations altogether in the 4 divisions of Mt. Elgon. Each of these is headed by a chief. Once again all the chiefs are Soy and the Ndorobo are not happy about this state of affairs. Moreover, chiefs are seen to be part of the provincial administration that has been linked to poor management of Chepyuk Phase III land allocation. Chiefs are simply not trusted.

It will take long for the people of Mt. Elgon District to renew their faith in chiefs and in the provincial administration system in general. Away from the locations where chiefs cannot be reshuffled, it would seem imperative to carry out a thorough shake up of the provincial administration ahead of any attempts at resolving the land problem.

3.4.3 Laibonism in Community Governance

The institution of the Laibon is still very strong in both Mosop and Soy areas. The Laibon is a traditional religious leader who is believed to possess spiritual powers. The people believe that the Laibon communicates with God and that he is God’s messenger. It is the lot of the Laibon to be reclusive and mysterious. Few have seen him. Fewer still have ever heard him speak. Even when he communicates ‘God’s message’ to the people, he does so only though a respected council of elders. But what he says is not open to question or defiance. You question or defy the Laibon at your own peril.

There are seven Laibons in the District, today. But only two of these have been active in recent times, Laibon Psongoywo in Cheptais region (Soy) and Laibon Sangula, in Mosop. The two Laibons have been struggling for supremacy over each other – a struggle that would seem to underline the fact that the Mosop and Soy people are essentially one people. These two Laibons would appear to have been very active in the 2006 – 2008 armed conflict. Laibon Psongoywo is reported to have prepared SLDF militias with traditional blessings before they went out to war. He is reported to have administered upon them potent concoctions that ‘made them wild.’ He was arrested at the height of the military operation and later released.

One way or the other, the Laibons must be part of the solution to the conflict. They have strong hearing and following. They cannot be ignored in any meaningful dialogue that seeks a lasting solution to the conflict. Moreover, there is need to appreciate that the Laibons perceive their institution as under siege by alternative centres of power – such as the provincial administration, councilors, members of parliament and allied political institutions. It is important that this institution continues to enjoy some level of recognition and respect, even in a modernising world. The Laibon is best brought over as an ally in the search for peace, rather than being ostracised as an enemy to be defeated.

3.4.4 Moranism

The Morans are traditionally the young warriors who defend the tribe against its enemies. At initiation, the youth are taught about the tribe, its values and about its heroes. They hear tales of great men who led the community in trying and difficult times in the past. They are taught about courage and chivalry and about the need to die for their community, should the need arise. After initiation, the Moran is in a state of permanent alert to fight for the tribe whenever he should be called upon. He has been trained to revere the institution of Moran and to respect instructions coming from the Moran. Even school going youth get time off to be initiated into Moranhood.

3.4.5 The Political Hand in the Conflict

Politicians have been active players in the conflict.

(i) Some former MPs have been reported to have fanned the conflict between the Ndorobo and Soy communities by playing them against each other. When among the Ndorobo, they are reported to incite them against the Soy, and vice versa. Former and present political leaders can contribute to constructive dialogue. But they need to work as a team. When they operate independently as they have been doing, they only tend to exacerbate the problem as they send conflicting messages.

(ii) We have mentioned, already the irregular introduction of guns in the District in the early 1990s by politicians who were fighting FERA. Subsequently, the referendum politics of 2005 also fanned up the bad blood between the Ndorobo and the Soy.

(iii) During the 2007 general election campaigns, prominent politicians from outside the District are reported to have toured the area time and again, sometimes allegedly holding secret meetings at night. They are said to have promised the Soy and SLDF that if they voted in a particular manner, they would be helped to expel from the district all the people who did not belong to their community. The SLDF was to make sure that everybody voted in a specific way. Arms are thought to have been brought in.

(iv) Politicians have at every phase unduly influenced the allocation of land. They have sought to have their close friends, family members and political supporters enjoy undue leverage over everybody else. A former MP who wormed his way into provincial administration was particularly reported to have significantly influenced balloting in 2004 and 2005 and to have had a major hand in the 2006 - 2008 armed conflict.

3.4.6 Gender Dimensions

The credo here is that women are to be seen and not to be heard. They are expected to exclusively do what the men tell them. There are, however, commendable efforts by a few women leaders to break through the walls of patriarchy. The district Maendeleo ya Wanawake chairperson has recently been elected the ODM deputy chairperson in the District. This is a good sign that women may not always take a back seat in leadership.

There are only three women out of the 15 councillors in the District. Only one of these is an elected councillor. She is also the second only woman to be elected councillor in the district. Women are clearly missing in positions of leadership and administration. It was strongly expressed by virtually all respondents that they nonetheless think that women can be key to peace. While Morans have been prepared to be on war-alert at all times, they should still be able to listen, if the womenfolk should advise them against going to war. Even militia leaders respect the voices of their senior female relatives. A sister to militiaman Sichei reported that Chepkitale was not attacked when she dared him to attack it. The lady in question has a church in Chepkitale and a lot of youth visit her for counseling, after the conflict. Deliberate efforts must be made to make women more active as leaders both in peace times and in the search for lasting peace.

Moranism would be difficult to uproot. Perhaps it is not even desirable to attempt to uproot it. But the group solidarity and loyalty it breeds could be transformed to more constructive youth in a post conflict situation, particularly in community development.

42 Further security survey needs to be undertaken to confirm this. NSIS may have some useful information in this respect. We were not able to meet and talk to them.
3.4.7 Role of Professionals

The findings show that professionals from both the Soy and Mosop regions have been key in ideological influence upon their people. They are well respected in their communities and are looked upon for guidance. It is clear that the conflict has engaged their mind for a long time. They have prepared position papers which have been presented to various forums. Some of them even have websites and blogs where the conflict is frequently discussed. It is clear that they will continue to be a respected voice in both communities. Engagement with these professionals first separately and eventually jointly will be useful in the search for settlement.

3.4.8 Youth Leadership

There is little evidence of organised constructive youth activities. Youth generally loaf about, with little or no hope for anything useful. There is little by way of sports, youth run Community Based Organisations (CBOs) and the like. Clearly, government must proactively determine to keep youth at all times constructively engaged. They must be encouraged to develop their own programmes under their own leaders.

3.4.9 The Task Force

The Government has recently appointed a task force with the mandate of establishing who the genuine claimants to Chepyuk III are and to go on and resettle them. The Task Force is led by Joseph Kaguthi, a respected former Provincial Commissioner in Nairobi and Nyanza provinces.

It is unlikely that the work of the Task Force will result in successfully addressing the problem of Land and hence the conflict in Mt. Elgon. The Government’s definition of terms of reference for the Task Force ignores the root cause of the conflict. It makes no efforts to find out why things have not worked in Mt. Elgon settlements. It instead gives a prescription in a fairly insensitive manner. A more informed approach would have begun by establishing the anatomy of the conflict before deciding on the way forward. As it is, the assumption would seem to have already been made that the problem simply rests in establishing who the legitimate would-be settlers are and thereafter going on to settle them. This is likely to throw up more controversy and conflict rather than peace. There are over 7000 people out there waiting for satisfactory settlement.

3.5 The Way Forward

It is recommended that a viable way out will be one which takes the following considerations into account:

(i) Recognize that the problem is now 38 years old. The problem is not confined to Chepyuk Phase III. What happened in the earlier two Phases has served to foment problems in Phase III. On its part, government’s delay in addressing the problem and failure to issue title deeds historically complicated the problem. Land in some places changed hands several times, without proper documentation. Then there are those who own land in all the Phases. Historical injustices must be addressed before lasting peace can be realised.

(ii) We can no longer address the problem only in terms of the original figures at the start of the conflict. This is owing to the fact that more people have been born and grown to maturity, thereby raising the number of claimants.

(iii) Provincial administration should be kept out of any future interventions. They have a bad name. Nobody will trust them. As many players as possible should be from outside the District. The current Provincial Commissioner for Western Province, in particular, must be persuaded to take a back seat. There are enough people who see him to be part of the authorship of the problem. They just do not trust him.

(iv) In the present Task Force are names of local elders whom the people do not trust. They are said to be partisan and linked to Mr. John Serut, a former MP whom few people like. Local participants should be preferably chosen by the people, as their trusted representatives.

(v) The conflict is to a large measure fueled by the local professional class. Many of them influence the conflict even as they operate from the Diaspora. It is important that this class is made part of the solution. The approach would be to engage them first separately and afterwards seek to build consensus with them jointly between the conflicting communities. This would be best done away from home. Once adequate warmth and trust has been established, a memorandum of understanding and undertaking with them should be reached. They will then become partners in the search for peace. When they speak, their people listen. Win them over, therefore, and work with them to bring about lasting peace.

(vi) With regard to the settlement itself, it would be useful to settle all the 7000 plus people. The Mosop should be settled in a place separated from that of the Soy by forest. This in essence suggests that Phase III would best revert to its former forest status. The two communities should thereafter be allocated fresh settlements away from each other.

(vii) To build adequate confidence in resettlement, all previous players should, as stated elsewhere, take a clear back seat. It may, in fact, be necessary to move most of the key officials in the land office and in administration to other districts. Other similar players should be identified and be separated from the management of the resettlement.

43 See, for example, www.ogiek.org.
4. SECURITY

Manasseh Wepundi

4.1 Introduction

The security situation of Mt. Elgon District is affected by a number of factors including its geo-political location, underdevelopment, small arms possession and trafficking, militia problems, land issues, identity politics and electoral violence (these factors have already been discussed in the preceding chapters). The failure to conclusively address these long standing issues has largely informed the fluidity of security not only in Mt. Elgon, but also in neighbouring areas. This chapter assesses the security dynamics, makes security threat assessment, analyses the peace and security actors in the district and makes relevant recommendations.

4.2 Security Dynamics

The longevity of the Mt. Elgon conflict has presented grave security challenges as much as it has exposed the weakness of Kenya’s security infrastructure in the region.

With the long-running discontentment about land allocations mutating into organised struggle for land (after the emergence of SLDF), Kopsiro and Cheptais Divisions became the most insecure parts of Mt. Elgon. But insecurity spread not only to other parts of the district, but also to Trans Nzoia West and Kwanza Districts.

The SLDF initially resorted to execution of chiefs and land brokers suspected of taking bribes. According to respondents, SLDF killings, though concentrated in Mt. Elgon, also took place in neighbouring Districts of Bungoma (especially North and West), Trans Nzoia (especially West) and Kwanza. The militia group grew in strength and boldness to extort money from district residents in form of taxes, and enforced its own kind of “justice” system thus heightening community and individual level insecurity.

Schooling became increasingly difficult, with many children of school going age either staying home or transferring to other schools in safer areas. The security situation became more complex with residents constantly in fear of the SLDF militia as well as the police forces deployed in the area that are known to have used excessive force to flush out the SLDF members.44

This assessment found that Mt. Elgon residents consider the security situation to have greatly improved (following the military operation), but peace hasn’t been restored.

Various respondents revealed that SLDF remnants still roam parts of the districts at night. These remnants allegedly commit criminal acts at night such as burglaries and muggings. In the words of some respondents, “if you are walking out at night, you either fall in to the hands of the SLDF remnants, or are arrested by the police on patrol”.

The feeling of insecurity among individuals and communities persists despite sustained security measures (curfews, night police patrols etc.) in the district. The communities’ definition of collective and individual security is inclusive of getting a sustainable solution to the land conflict, addressing governance issues and successfully disarming and demobilising all militias in the area.

The manner in which land allocations and reallocations was handled by the provincial administration is considered the root cause of the security problems in Mt. Elgon. The formation of the SLDF was a reaction to disagreeable approaches to land distribution. But the land issue was equally politicised by leaders in the area who aspired for parliamentary or civic office. Various respondents similarly implicate some of their political elite as direct or indirect sponsors of militias in the area.

As such, elections have become definite accelerants of identity-based struggle for dominance and land in Mt. Elgon. Elections and identity-based rivalry have equally fed the residents’ aspirations for an additional district and constituency along ethnic (Soy vs N’doro) lines. This complicates the security dynamics in the District, and forms the common basis for the widening of the conflict to non-Sabaot groups (Bukusu and Teso). And given the Sabaot’s historical claims (subjective or objective) of greater Trans Nzoia and Bungoma, the security threats have regional ramifications.

Security in the district is therefore dependent on resolving land issues, dismantling patron-client networks that play a role in militia formation, reconciling all groups in Mt. Elgon, peacefully managing electoral politics and instituting cross-border peace and security interventions in the region.

4.3 Gender Dimensions of Security

While Mt. Elgon residents currently largely draw their feelings of security from membership to their respective identity groups, the gender dynamics in security issues in the area are unique and collectively appreciated.

Respondents pointed to the mobilisation of young men to join militias, under blessings of some elders (specifically Laj’bons). It is appreciated that the armed struggle for land was male-dominated. With this in mind, failure to appreciate the unique place of women in Mt. Elgon would lead to gender-biased solutions to the problem.

Women have been caught in the middle of the conflict and security interventions in the district. While they were SLDF targets, suffering sexual violence, sexually transmitted infections and mutilations (e.g. of their ears), women also suffer the aftermath of security interventions and conflict in the district. Their husbands and children were executed by the SLDF, while during the security operation, respondents talked of all male suspects being tortured by the military (others are still incarcerated).

A good illustrative case in point is of one young mother (20 years old) who narrated the horror of watching her husband – perceived as being pro-government – slaughtered by the SLDF, and later persevering torture meted on her. She lived under the terror of strict restrictions that were imposed on her as the only guarantee for her existence – she wasn’t to leave her home area, nor talk to anyone on anything she had witnessed and undergone at the SLDF hands. She now struggles to bring up two children even without employment and living in her relatives’ home (she has no access to her husband’s land).

This story is not the only dire case in Mt. Elgon. The number of young mothers and widows has shot up in Mt. Elgon. In Sasur Location (Cheptais Division) alone there are 216 widows, as documented by the women from there.

There are also a significant number of women whose husbands were allegedly castrated by security officers during the Operation O koa Masha. The women complained of sexual deprivation, but are more concerned about the fading prospect of reproduction. They talk of the current generation being endangered given the reduced number of men that can sire children. Further, a huge proportion of young men was arrested and is in jail.

But this is playing on the nature of inter-ethnic interactions. For example, some Sabaot women cited a case of Bukusu men who are offering to sire children with them. But as the women remarked, “it is better to have a shadow of a man in her homestead than none at all.” The husband’s role in securing the family from fear and want is more elevated in comparison to the reproductive aspects.

But according to one respondent, women subtly feed into the cycle of conflict. Being mothers, so the perspective holds, women pass on narratives of their selective community history to their children. This perpetuates the feelings of injustice as well as justification for sustained struggle for particular identity-based agenda (over generations).

However, women’s security needs are an integrated whole – spanning the need for education, economic and political empowerment, property rights, protection from the militia menace, resolution of land conflict (with issuance of title deeds) and post-conflict reconstruction (with emphasis on rebuilding schools and health facilities).
4.4 Security Threats Assessment

Mt. Elgon district has to contend with several (security) threats, present and future. On this basis, the study interrogated various dangers posed by the conflict and its dynamics (if it is either unresolved or is resolved unsatisfactorily):

4.4.1 Small Arms Problem

The availability and use of illicit arms in Mt. Elgon by apparently well organised militia groups partly explains the initial inability of the police to contain the SLDF menace. The militias are believed to have been armed by some politicians with guns trafficked illegally from Uganda. But more arms are thought to have been bought using proceeds from extortion in the district.

Potential illicit arms entry points include the border points of Lokhatuka (a popular smuggling point for black market traders in sugar and other commodities) and Chepkube (popular for booming illegal coffee trade in the 1970s) in Mt. Elgon District. Outside the District, some respondents acknowledge the possibility of illicit arms destined for Mt. Elgon being trafficked through Suam border point in Kwanza District.

By another analysis, given that Mt. Elgon is part of a wide conflict system covering greater Bungoma, greater Trans Nzoia, and greater Pokot, it is possible for arms from greater Pokot (sourced in Uganda) to find their way into Mt. Elgon.45

The failure by relevant authorities (border officials and security forces) to seal all possible entry points for illicit arms has over time led to the state’s inability to monopolise the use of force. The military’s recovery of 100 assorted weapons (including bazookas, rocket propelled grenades, jumping mines and AK-47s) and 1153 pieces of ammunition46 during the Operation Okoa Maisha (see section below on Peace and Security Actors), only confirms the militia’s strength and intentions. This has exposed communities to negative consequences of the proliferation of illicit arms. The weapons are therefore part of present and even future dangers that the district security architecture must address.

4.4.2 Militias

It appears that as arms proliferated, and with the growth in strength of the SLDF, so did militias proliferate. But actual facts on militias are hard to get and verify in Mt. Elgon, and this secretive nature is strategic as it is informed by fear – if a particular militia isn’t known about then there is less likelihood of its members being targeted for disarmament or the associated community being victimised.

Despite this difficulty in establishing the existence of other militias, some names of such gangs have been floated – the Moor land Defence Force (MLDF), Progressive Defence Force and even the Political Revenge Movement.47 These names were brought to the fore to explain the Ndorobo response to the Soy (Pok-dominated) SLDF. While Ndorobo respondents consistently rejected the existence of an organised outfit (MLDF), they did confirm that the community acquired some arms to fend off the SLDF threat. This provides some proof of the possibility of the existence of other militias.48 The Ndorobo’s outfit is said to have been trained by retired security officers and the community acquired some arms to fend off the SLDF threat. This provides some proof of the possibility of the existence of other militias.

Respondents attested to the existence of a depleted SLDF even after the military operation, and expressed fear that they could be reorganising. There has been speculation that some SLDF militiamen were scattered to Trans Nzoia where they could be lethal, and others could be on the Ugandan side of the Mountain reorganising, but the assessment didn’t effectively exhaust research into these claims.

4.4.3 Zero-Sum Electoral Politics

Identity issues are major feeders of hatreds among Mt. Elgon communities locked in an often vicious struggle for political power (in civic and parliamentary seats contests). The Pok – dominant group among the Soy – have controlled the constituency parliamentary seat for all but one term (when Hon. Kimkung, a Kony, was MP in 1997–2002) since independence.

The Pok dominance of Mt. Elgon politics (from civic to parliamentary level) has created resentments among other Sabaot sub-groups, especially the Ndorobo. But beyond this, there is the Sabaot-Bukusu competitions (dating back to when Mt. Elgon was part of then Bungoma district).

These identity-based competitions have mostly turned violent, and the threat for broader scale violence is real. During the post-2007 election violence for example, the SLDF are said to have actively targeted largely non-Kalenjin groups in Trans Nzoia. One conspiracy theory (gathered from respondents) holds that the SLDF agenda during the post-polls mayhem was to spread terror in the greater Bungoma, and greater Trans Nzoia districts to purge the area of unwanted communities.

The militarisation of political campaigns (through the use of militias and youth gangs) threatens to institutionalise violence as a means of acquiring political office. In the case of Mt. Elgon, some respondents cited the role of the SLDF in determining the winner of the parliamentary seat in the last elections.

Another challenge is the potential for zero-sum elections results creating new grievances around which future conflicts could be defined. These are factors relevant for security agencies and the electoral bodies to seriously consider as a way of ensuring sustainable peace and security.

4.4.4 Politicisation of Laibons

While this study acknowledges the importance of the Laibon institution (see subsection 4.5.5 below), it is a matter of concern that this traditional institution has been politicised to dimensions that could negate peace. A civil society representative notes that Laibons have become partial, and are often manipulated by politicians to suit their selfish gains. This is eroding the Laibons’ legitimacy.

Some civil society organisations actually pulled off a recently planned traditional cleansing ceremony on suspicion that a key political figure had wanted to influence the entire aspects of the ceremony.50

Considering the role of Laibons in militia formation (some administered oaths to militias and sanctioned armed violence), the politicisation of this institution is a potential threat to the security of communities. This is possible where such manipulation bears ugly identity-based rivalry or political competition among political leaders of different affiliations.

Further, the Laibon’s are considered to be rigid in their attitudes, are inaccessible (only contacted through emissaries) and could have competing interests with the government. For example, on land allocation issues, the government’s allocation of land does not adhere to Laibons’ spiritual boundaries but depends on surveyed land designated for settlement efforts. Such tensions need to be addressed to forestall the probability of Laibons turning into warlords.

45 Interview with James Ndung’u, Saferworld on 11th March 2009
46 Figures received from Saferworld
48 For instance, some respondents alleged the existence of an armed militia gang that protected a former Mt. Elgon MP. The respondents acknowledge the group is still armed
50 Interview with James Ndung’u, Saferworld on 11th March 2009
4.4.5 Environmental Degradation

Depletion of forests, not only as a threat to water catchments and attendant environmental concerns but also as a potential (environmental) conflict issue, is one of the under-examined threats in Mt. Elgon District. While the government excised forest land for settlement in Chepyuk, the problem of forest destruction is real in the District. For instance, Chepkite – a moor land considered too cold for habitation – is still inhabited in as much the communities who were there were initially evicted (and relocated to Chepyuk).

Mt. Elgon forest is one of the five major water towers in Kenya and firm measures are needed to protect it. In the present, the immediate dangers to the forest cover are clear. But the future threat of wider conflicts over scarce water (as a result of deforestation) should be avoided. A security infrastructure that preserves the sanctity of the water tower and seals the forest cover from its use by criminal elements (such as militias) is imperative.

4.5 Peace and Security Actors

4.5.1 Security Forces

The relevant government security agencies that have been active in dealing with insecurity in Mt. Elgon include the military, Kenya Police, Administration Police and the paramilitary General Service Unit (GSU).

The primary role of the Kenya Police is to ensure law and order. The Administration Police, who are keener on regime policing, have an almost comparable mandate of preserving public peace. Both these forces were unable to nip the Mt. Elgon conflict in the bud despite their proximity to communities in the area. As such, the conflict metamorphosed into a guerrilla-type struggle for land that was beyond the Police's ability to manage.

A mixture of factors explains why the Police failed to combat the SLDF threat early enough. One is that the Police might have initially under-estimated the threat of the SLDF, its resolve and level of organisation. By the time this was clear, the militia group was a force to reckon with. The second reason, gathered from the field is a conspiracy theory and speculative – it is believed that the SLDF had politically correct Sabaot patrons (sitting and former MPs) who managed to manipulate the government to delay response (in order to punish targeted communities). A third reason, is that considering the government's loss in the referendum, and the subsequent heated campaign environment (in readiness for the general election), there lacked political will to address the Mt. Elgon problem (whose residents overwhelmingly voted against the draft constitution).

The ferocity of the SLDF, said the respondents, reigned terror not only on the residents, but also on the Police, who lost most control of the District to the gang's informal government. The militia weakened state machinery and its presence in the District, hence inviting an expanded security intervention.

The Administration Police's Rapid Deployment Unit (RDU), the regular Police, and the GSU launched a joint operation in October 2007 that did not succeed in dismantling the militia and restoring peace and order in Mt. Elgon. Rather, during the joint operation, respondents observed that the security officers allegedly committed a number of human rights violations including torture (and alleged castration of men), and killing of innocent people.

Perhaps appreciating the strength of the SLDF, and its widened scope of activities to Trans Nzoia region, the government launched the military Operation Ooko Maisha in March 2008. Respondents consider this security operation to have been the most successful government effort to restore calm in Mt. Elgon. But it is also considered to have committed a number of human rights violations including torture (and alleged castration of men), and killing of innocent people.


Operation Okoa Maisha made some important break from previous security interventions: it widened the scope of investigations beyond Mt. Elgon to parts of Rift Valley. The operation led to the arrest of 3,779 suspected SLDF militiamen out of which 1,162 were brought by the community to security forces. On the Ugandan side, the Uganda People's Defence Forces (UPDF) deployed along the Uganda-Kenya border to eliminate the possibility of the SLDF slipping in to Uganda. In the course of the operation, Uganda did arrest and hand over some suspected SLDF members to Kenya.

Respondents felt that with the calm restored in the district, the Police should now be capable of maintaining law and order. Some respondents talked of measures such as organising a neighbourhood watch system (where residents of particular areas in villages report any new threats to their assistant chiefs who in turn report to chiefs who liaise with the police) have been initiated. But the police image needs rebuilding.

The Mt. Elgon conflict, perhaps due to its protracted nature, turned into a war economy. Respondents claimed that the conflict has benefited security officers. For instance, during the military operation some security officers allegedly demanded money from the community in order to release thousands of young men in their custody (about Ksh. 4,000 per young man arrested). Besides this police exploitation of the conflict for personal gain, the SLDF gained the most from the conflict – taking in millions from illegal taxes and extortion.

It is also claimed that the SLDF benefited from the expertise of Pok security officers (in military and police) in the militia's training and tactical approaches. It should be noted that one of the SLDF leaders, David Sichei, is an Israeli-trained security officer that served in the elite Moi-era presidential security unit.

4.5.2 Youth

The youth form the bulk of members among militia groups in Mt. Elgon. They have also been at the centre of political elites’ manipulation of identity in elections. The Sabaot youth were mobilised to fight non-Sabaots during tribal clashes.

In the heat of a mid-90s controversy over an alleged anti-Moi guerrilla movement – the February Eighteen Movement (FEM) and its military wing, February Eighteen Resistance Army (FERA) – with roots in Bungoma, it is said the Saboat youth were organized to counter FERA. This is considered the latest traceable period when arms went to civilian hands in Mt. Elgon (see more discussion on this in Chapter 3, subsection on “Firearms in the Conflict”)

The activation of these groups in to militias fighting for land was therefore easy considering the youths’ disenchantment with the government’s land allocation methods, and the availability of arms. Insurgencies and counter-insurgencies characterised the land conflict. Respondents admit to the existence of a Nodorobo response to the largely Pok SLDF threat. It is therefore understood that the Nodorobo organised and armed themselves to contain the SLDF. But as to the name of their militia group, there is no consensus. Media reports allude to the existence of the Moor Land Defence Force (MLDF) as the Ndorobo’s answer to SLDF. Ndorobo respondents denied the existence of such a force, but confirmed that they had some deterrent measures against SLDF. Pok respondents equally admitted that both sides of the conflict were armed (compare with analysis on “Militias” subsection 4.4.2).

This assessment therefore found that civilians (mostly the youth) modelled counter-insurgency measures in Mt. Elgon largely due to loss of confidence in the state security apparatus. For instance, the Ndorobo response was designed despite the establishment of police bases in the area (at Kaimugul, Kipsikrok and Chepyuk).

It is however clear from responses that the youth are merely clients in patron-client networks that have militarised the communities in Mt. Elgon. Elite manipulation of the youths’ plight (unemployment, poverty, lack of skilled labour etc) is one of the major causes of militia formation in the district. Dismantling such exploitative networks through addressing youth problems and needs is a sustainable approach to solving the militia problem. It is
noteworthy that the government admits to being aware of the financiers of the SLDF militia. But beyond targeting militia financiers, more vigilance is needed in regulating electoral politics to deal with divisive propaganda, as well as putting an end to the exploitation of the young as party youth wingers and politicians’ protective gangs.

4.5.3 District Peace Structures

The same way state security machinery initially failed to enforce peace in Mt. Elgon; dialogical approaches to ensuring peace have been tricky. Several civil society organisations working in Mt. Elgon have had district peace committees or similar structures (e.g. NCCK, Safeworld, and PEACENET-Kenya). A notable issue though is that these were initially multiple structures, and not one. The Provincial Administration equally set up a district peace committee following a ministerial directive to that effect (in June 2008). But some civil society organisations (Safeworld and PEACENET-Kenya) harmonised their structures with that of the Provincial Administration to come up with one District Peace Committee.53

The assessment however found that not many people are aware of such peace structures. Nevertheless, some of the respondents who were aware of the peace structures and their composition, labelled some of the peace committee members as “brokers.” The fact that they are distrusted has implications on their work. The success of such structures in mediating conflicts lies in the credibility of their membership and the support they get (from government and civil society).

Civil society harking for these structures should include building the capacities of the members and facilitating their work within the District. Government can play an important role in facilitation, but on a broader scale, the government’s adoption of the draft Policy on Peace Building and Conflict Management, is a more sustainable way to support district peace structures.

The need to adopt traditional approaches to reconciliation among the peace structures is also vital. For instance, respondents talked of the importance of traditional cleansing ceremonies in peace building.

4.5.4 Elites and Professionals

Mt. Elgon elites and professionals have a mixed role in the area’s conflict dynamics. On the one hand, as respondents reported, elites and professionals have been the ideological voice for the conflict affected communities in the district. The elites and professionals have demonstrated a good mastery of (and articulated) the conflict history and that of the land allocation efforts. On the other hand, a section of this stratum of the District population is noteworthy that the government admits to being aware of the financiers of the SLDF militia. But beyond targeting militia financiers, more vigilance is needed in regulating electoral politics to deal with divisive propaganda, as well as putting an end to the exploitation of the young as party youth wingers and politicians’ protective gangs.

4.5.5 Religious and Traditional Leaders

The role of religious and traditional leaders equally underpinned some of the Mt. Elgon peace and security dynamics. Being a predominantly Christian and/or traditional African community, church leaders and Laibons (the traditional spiritual leaders), have played different roles in the course of the conflict.

The Laibon are said to have specific “spiritual” territory upon which they exert their influence. They have a following, and the communities in Mt. Elgon seem to revere them. Some Laibons were among the privileged few who acquired huge tracts of land in the settlement scheme. Respondents observe that despoothing Laibons of their tracts of land in the Phase III process was a major accelerant of the conflict. This made Laibon Jason Pongoywo Manyiror to administer oaths to SLDF militiamen (to start the violent struggle for land).

The immensity of the Laibons’ authority and power overshadowed the church leaders’ influence in Mt. Elgon in the thick of the conflict. As such, it has been observed that the credibility of churches dwindled as the power of traditional leaders was elevated.

According to respondents, Laibons live a secluded life, and they do not easily mingle with community members – they are only contacted through specific emissaries. In order to engage them in peace building, it is important to embrace traditional peace building and healing mechanisms which the Laibons can officiate. The planning for such cultural occasions should be participatory, possibly with the involvement of district peace committee members. It is noteworthy that there exists a Council of Elders in Mt. Elgon that acts as the link to Laibons, and also works closely with the District Peace Committee.

Religious leaders have played some role in facilitating dialogue at various levels. Some inter-community problem solving sessions were supported by faith-based organisations, while some recognised religious leaders engaged SLDF leaders in dialogue. These efforts achieved some results – some of the militia demands and the SLDF command structure was understood, and dialogue sessions that involved the Provincial Administration began narrowing points of difference as solutions were sought. Presently, religious leaders, together with civil society organisations, have tried to foster reconciliation initiatives among communities in Mt. Elgon.

Hence faith-based approaches should be sustained, while points of interaction between religious leaders and Laibons should be found. This way, the two sets of leadership can be pivotal in dissipating conflicts of interest and tensions.

4.6 Sustainable Peace and Security Plan

To envision a working security infrastructure, it is imperative to integrate it with a sustainable peace program. The two – peace and security – are interdependent. And such a two-pronged approach de-emphasises peace enforcement, while focusing attention on the need to address the root causes of insecurity.

The factors affecting security in Mt. Elgon include its geo-political location, underdevelopment, small arms possession and trafficking, militia problems, land issues, identity politics and electoral violence. While the military achieved success in restoring calm in the district (with SLDF depleted in numbers, substantially disarmed, and their presence and mobility in the district considerably destroyed), there is no peace yet. The SLDF threat hasn’t been completely extinguished. Present conflict issues need to be conclusively addressed in order to avoid the future possibility of militarised conflicts.

But there are present challenges that could inform grievances for future conflicts if not addressed. Such include the challenge of internal displacement and complaints of human rights abuses (committed by militias and security agencies alike).

54 See Stephen Makubha & Joel Ochaya, “Financialers told to heed amnesty call or face law”, Sunday Standard, June 1, 2008, p.33
55 Interview with James Ndung’u, Saferworld on 11th March 2009
56 The term “broker” is used by Mt. Elgon residents to refer to sell outs – individuals also considered to have gained tracts of lands irregularly (and have benefited from the conflict).
57 It should be noted that at the height of the SLDF reign of terror, most professionals and businessmen were blackmailed into contributing money to the militia group through illegal taxes.
58 The military plan to establish bases in Kamarung, Chechwek and Ramukon. This might be an important strategic decision – to combat the potential for localized conflicts that acquire regional dimensions – but the military’s aspects of civilian operations need to be harnessed better (to eliminate human rights violations against civilians).
A comprehensive peace and security plan that wins the hearts and minds of all actors in Mt. Elgon should be designed. Critical components of such a plan include:

(i) Disarmament Demobilisation and Reintegration (DDR): Respondents claimed that the Operation Okoa Maua disarmed only one party to the conflict. The operation’s primary aim was to combat the SLDF menace and dismantle the group. But respondents pointed out that this was a one-sided effort which ignored other militias that were formed to counter the SLDF threat. While the military disarmament drive has been a forceful one, an amnesty should be offered to militia members who disarm. The disarmament process should be entwined with a reintegration and rehabilitation program for the demobilised militia members.

(ii) Small Arms Challenge: Research indicates that the use of Mt. Elgon as a corridor of small arms to Rift Valley spans decades (since the collapse of Idi Amin’s regime). The use of illicit arms in Mt. Elgon conflicts can similarly be traced to the 1990s clashes. The small arms challenge in the District is therefore not just about illicit arms use, but also about illicit trafficking. This necessitates cross-border security measures on the Kenya-Uganda border.

(iii) Patron-Client Networks: Addressing destructive propaganda that fuels identity-based conflicts (among Sabaot and Non-Sabaot groups) remains a critical component of a peace and security plan. Elite supported patron-client networks that form the basis for mobilisation of groups to armed conflict need dismantling through the re-orientation of electoral discourse and politics in Mt. Elgon. Civic education and faith-based approaches to peace building can play a big role to dismantle such networks.

(iv) Justice and Accountability: Considering that human rights abuses committed by militias and state security forces can form the basis for future grievances, concerted efforts to bring perpetrators to account are imperative. Civil society and the national human rights institutions- KNCHR, should lobby the government to institute a transparent transitional justice process.

(v) Internal Displacement: The government needs to prioritise the resettlement of the large number of internally displaced persons (IDPs). There are male-headed, female-headed and child-headed displaced families. All these categories of groups need specific attention. Female-headed and child-headed families are especially most vulnerable and need protection, and their property restored to them.

(vi) Land: A two-pronged approach to addressing the land problem is needed. First, there is the urgent need to settle all landless people on a mutually agreed formula. But there is an equal need to have a comprehensive audit of all previous allocations (Phase I and II) with the view to determining the claims of irregular allocations (which form part of the grievances that inform the conflict).

(vii) Poverty and Unemployment: The level of poverty in Mt. Elgon is high. There is need for concerted poverty reduction efforts that specifically target the youth and women as priority groups. Further, special programs for widows and orphans (from the conflict) should be instituted.

(viii) Infrastructure: Any development or peace and security plan is dependent on adequate transport and communication infrastructure. Mt. Elgon does not have a single paved road – there are current road works for the Kamukuywa to Kapsokwony road. There is urgent need for massive investment in transport and communication infrastructure connecting all divisions in the District, as well linking the district to other districts and the neighbouring Uganda.

(ix) Broad-based reconciliation process: All parties to all dimensions of conflicts in the district – land-based, identity-based and electoral-related – should be brought together in a focused and sustained peace and reconciliation process. These parties include the Ndorobo, Soy, Bukusu and Iteso groups. Such a reconciliation process should take phases, for instance, first addressing the intra-Sabaot conflicts, before broadening the process to include non-Sabaot groups.

(x) Regional Security Plan: Appreciating the interconnected nature of the conflicts in Mt. Elgon and neighbouring regions necessitates the implementation of a regional approach to security. There is need for inter-state security cooperation (Uganda) to combat small arms trafficking and spill over dimensions of the conflict. Inter-district, and inter-provincial (Western and Rift Valley) security meetings and collaboration remain important to the peace and security plan.

(xi) Public Participation in Security: Reducing the gap between the police and the public in security efforts is a necessity. The community in Mt. Elgon has lost much confidence in the police, and this needs to be addressed. As such, there is need to strengthen police-public partnerships in security issues.

5. CONCLUSION

This rapid assessment succeeded in exposing root and proximate causes, as well as triggers of conflict in Mt. Elgon District. The study has demonstrated that all the seven components of human security – economic, food, health, environmental, personal, community, and political security – need to be addressed in Mt. Elgon.

The findings equally demonstrate the fluidity of identity issues in Mt. Elgon. It is commonplace to regard the Nilotic-speaking (Kalenjin) groups in the District as one identity group—the Sabaot. But an interaction with these groups in the District reveals that the protracted discord has made groups more identity conscious. As such, isolationist attitudes can be observed among the Ndorobo who now seek to assert their individual identity and aspire to have a separate district and constituency (which they can share with the Kony sub-group).

While this assessment has succeeded in helping explain the identity issue, it has only scratched the surface and a much more in-depth study on the matter is needed.

Similarly, there is need for a broader inquiry that appreciates the regionalised nature of the Mt. Elgon discord. The analysis on the security dynamics in the districts lays out the springboard of such future study as much as it emphasises the need for a comprehensive peace and security plan.

Lastly, it is important to reiterate that the prospect for sustainable peace in Mt. Elgon is dependent on how all the grievances informing the conflict are addressed, enhancing justice and accountability measures, facilitating all-inclusive reconciliation, and implementing a regional security plan (Chapters 2, 3 & 4 each have specific recommendations).
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APPENDIX I

Analysis Instrument for Social and Economic Issues
For Elders, Chiefs, Political Elite, Women Groups

1. Describe which community groups live in Mt. Elgon and how, when and where each has settled (a) How do the community groups regard (perceive, view, value) each other? (b) How do the Saboots regard other non-saboots in the region?
2. Which community groups have been involved in the conflict historically?
3. What has been the cause of the conflict?
4. What has been the contribution of each group to the conflict?
5. Is there any social activity or cultural practice that brings the community groups together?
6. When there is conflict in the area who among the community group members is helpful in bringing peace?
7. Is there a community group that feels excluded or marginalized from the rest of the community? Explain in what way
8. Describe the issues related to land that have been contentious or have caused the conflicts
9. What is the role of women in the conflict and in peace building?
10. How do the youth interact with the rest of the community? What drives them to engage in conflict?
11. In order to have a lasting peace
12. What should be done
13. Who should be involved and how?

Economic Issues

14. What are the economic activities of each community group living in Mt. Elgon?
15. What is the state of poverty in the region and among each community group?
16. Do the communities living in Mt. Elgon feel marginalized in the sharing of national resources and how?
   (a) What is the state of distribution of local public resources within the region?
   (b) How has CDF, LATF and other funds been distributed among the different Community groups in the region
17. What is the state of the social and economic institutions in the region (Hospitals, Schools, Markets, etc)
18. What is the state of development in the region?
19. How is the education level of the communities living in Mt. Elgon
20. What economic interventions have been made in the region and what in your opinion is the state?
21. Who owns what portion of land in the region and what is the level of land utilization in the region?
22. What economic programmes and interventions would be instrumental in assisting in enabling peace in the region

APPENDIX II

Community and Governance Issues

This questionnaire will be administered by the researcher to all respondents as listed under respondents in the introductory. Some questions may receive a slight tilt to fit particular respondents more appropriately. The question of the Laibon may for instance be varied to say ‘You are a Laibon. What is your role in the life of (a) an individual in the community (b) the community?’ All questions have been deliberately developed for broad based response, from the local population to Government functionaries. The researcher will diligently and skillfully administer them for meaningful outcomes.

Broad based governance issues as entry questions

1. Mt. Elgon District has experienced armed conflict over the past two years. Explain in detail what you understand to be the problem.
2. What do you understand to be the origin of the conflict?
3. Has the government, in your view, contributed to the conflict?
   YES                   NO
   (b) If YES, explain how
   (c) If NO, explain why you think government has not contributed
4. What do you consider to be the most important land issues?
5. What do you think the government should do regarding land issues?
6. What do you think government has not done right?
7. What do you understand by “government”?
8. (a) What is the role of these people?
   • The chief
   • Assistant chief
   • The DO/DC/PC
   • The police
   (b) Have they been helpful or a problem during the conflict?

Community based governance issues

1. What is the role of the Laibon in your life as (i) an individual (ii) a member of this community?
2. How has the Laibon helped/not helped during the conflict?
3. Is there anything more the Laibon can do to help to solve the problem? Explain
4. What do you see as the role of the following people in solving the problem?
   • The youth and youth groups
   • Women and women groups
   • SLDF
   • Other armed groups
   • Laibons
   • Other elders
   • Chiefs and other Government offices
APPENDIX III

Security Issues

FGD Guide

1. How secure do you feel in the district?
2. Is your feeling of security drawn from your sense of belonging to a particular identity or due to prevailing stability?
3. What are the security dynamics in the district? Is there a period you feel more secure than other periods?
4. Who is responsible for security in your area?
5. Who do you trust as a security provider?
6. In your opinion, is the security infrastructure adequate?
7. Who are the stakeholders in security service provision?
8. What are the indicators of a successful security system?
9. What is the unique role of women in the district’s security dynamics?
10. How do we best deal with insecurity and the challenge of militia groups?

Interview Schedule (Security Issues)

Provincial Administration and Police

1. What are the security challenges in Mt. Elgon district?
2. How have you addressed these challenges?
3. What is the police to population ratio in Mt. Elgon district? (Is there adequate police deployment in the district to guarantee law and order)
4. Did the military operation pacify the district?
5. With the withdrawal of the military, are the police able to secure the district from the threat of armed militias?
6. What are the cross-border challenges posed by the conflict?
7. What are the small arms dimensions of the conflict? How does this dimension complicate security in the district and the country?
8. How are the provincial administration and police cooperating with colleagues across the districts (and country) to address the fluid security situation?
9. Who are the stakeholders in security service provision? How do they work together?
10. What are the indicators of a successful security system?
11. How do we create a good and sustainable security infrastructure in the region?

Civil Society, Community members and Leaders

1. What are the security challenges in Mt. Elgon district?
2. How have these challenges been addressed?
3. Have the response initiatives been successful?
4. Is the state security apparatus adequate in guaranteeing peace and security?
5. How have you partnered with state agencies to improve peace and security in the district?
6. How has the conflict affected neighboring districts? How have the neighboring districts affected the conflict?
7. How has the international border affected or been affected by the conflict?
8. What are the small arms dimensions of the conflict? How does this dimension complicate security in the district and the country?
9. What are the indicators of a successful security system?
10. How do we create a good and sustainable security infrastructure in the region?

Questions on identity, other historical issues and political representation

1. Do you feel that you are well represented in
   - Parliament
   - Local Authority?
2. Have you been well represented in the past? Explain.
3. Over the past fifteen years who has been your best representative in
   - Parliament
   - Local Authority
   (Explain in both cases)

4. Explain, briefly, your understanding of the history of this community.
5. Explain briefly how you have personally got to live where you live today.
6. Explain briefly your understanding of the history of other communities in the Mt. Elgon area.
7. Explain briefly your understanding of how different communities have come to live where they live today in this area.
8. Explain briefly how the settlement patterns you have described may have, in your understanding, contributed to the conflict.
9. Explain briefly how you think the problem could be solved.

Questions on responses and intervention

1. List some of the outsiders who have tried to help. Explain how each of them has tried to help.
2. List some of the outsiders who in your view have not helped. What has been the impact of their intervention?
3. The government brought in the army in March this year. How did this help/not help?
4. Should there be another conflict in future, should the government bring in the army again? Explain.
5. What would you consider to have been some of the wrong things that were done during the conflict?
6. Do you think the law has worked well with people who may have done wrong things during the conflict? Explain.
7. Do you consider that women have suffered in any special way because of being women? Explain.
8. Do you consider that women played any specific good/bad role during the conflict? Explain.
9. Do you consider that women can play any important role in finding a lasting and acceptable solution to the problem?
### APPENDIX IV

**Stakeholder Analysis**

<table>
<thead>
<tr>
<th>PLAYERS</th>
<th>INTERESTS</th>
<th>INTERACTIONS</th>
<th>ENTRY</th>
</tr>
</thead>
</table>
| Government | Maintain law and order  
Ensure resettlement process goes on | Poor relations with political elite, youth and elders involved in the conflict  
Good relations with elders who stand for peace  
Average working relations with professionals | Area District Officer but with express involvement of the Office of the President Headquarters |
| Political elite | Political power  
Votes  
Reward supporters  
Interest in land for personal use | No good relations with government (provincial administration)  
Good relationship with the youth  
Good relations with professionals and elders from their respective community groups | Direct contact and also through area professionals |
| Youth | Identity  
Land interests  
Defend community’s (groups) interests  
Economic gain (payment) | No good relations with government especially provincial administration  
Good relationship with political elite allied to their course  
No good relationship with elders | Youth forums  
Religious leaders |
| Professionals | Safeguard community’s/ group’s interests  
Protect land | Working relationship with government  
Good relationship with elders from their respective community groups | Professionals forum |
| Laibons | Safeguard spiritual territories and display territorial authority  
Protect land | Good working relations with respective community group elders  
No good relationship with government especially the ones who were directly involved in the conflict | Community group council of elders |
| Elders | Protect land interests | Good relations with professionals  
Good relations with government  
Poor relations with the youth  
Good relations with community | Community council of elders  
District peace committee |
| Religious leaders | Spiritual leadership  
Protection of community group’s interests | Poor relationship with community (especially the ones involved in the conflicts) | Local church leaders fellowships |

### APPENDIX V

**Capacities for Peace**

<table>
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<tr>
<th>ISSUE</th>
<th>CONNECTORS FOR PEACE</th>
<th>DIVIDERS</th>
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</thead>
<tbody>
<tr>
<td>Religion</td>
<td>Denominations that were neutral and supportive of all people</td>
<td>The denominations that were associated with blessing and supporting militia</td>
</tr>
<tr>
<td>Historical background</td>
<td>Common experience through displacement by white settlers</td>
<td>The settlement pattern and system is a disputed fact and a contributor to the conflict</td>
</tr>
<tr>
<td>Values and beliefs</td>
<td>The respect for Laibons</td>
<td>Spiritual conflict between the Laibons</td>
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<tr>
<td>Occasions</td>
<td>Sports, circumcision ceremonies</td>
<td>National elections</td>
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<tr>
<td>Attitudes and actions</td>
<td>That they share a lot in common</td>
<td>The feeling by Ndorobo of being undermined and down looked upon by other communities as well as the feeling by Sabaot groups that others are outsiders and should vacate the area</td>
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<tr>
<td>Traditions</td>
<td>The cleansing ritual and community re integrations cultural practices</td>
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<tr>
<td>Institutions and systems</td>
<td>Religious institutions</td>
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<tr>
<td>Individuals</td>
<td>Professionals and women</td>
<td>Political elite and Laibons</td>
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