

**HISTORICAL DEVELOPMENT OF THE LAND QUESTION IN BUKUSU-
SABAOT INTER-ETHNIC CONFLICT IN MOUNT ELGON AREA SINCE
1850**

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**A Thesis Submitted in Partial Fulfilment of the Requirement for the Award of
Degree of Master of Arts in History of Masinde Muliro University of Science and
Technology**

November, 2020

DECLARATION

This thesis is my original work and has never been presented in any other institution for any academic award.

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CERTIFICATION

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DEDICATION

This study is dedicated to my Late father Bishop Emmanuel Namunyu, who left an indelible mark in my life.

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ABSTRACT

Ethnic conflicts have been witnessed world over; where, different communities fight each other over territorial boundaries, limited natural resources and political supremacy. This worrying trend disturbs livelihoods, access to social amenities and affects local and international economies. As a limited resource, with cultural and economic value, land has generated inter-ethnic conflicts across the world. In Kenya, communities like the Maasai and Kipsigis have recently fought over land and cattle. The Pokomo and Oromo have had a history of land conflict in the Tana River Delta. In the recent past, the Gabbra and Dassenetch communities of Marsabit County have fought over grazing land. It is against this backdrop that this study examined the historical development of the land question in Bukusu-Sabaot inter-ethnic conflict in Mt. Elgon area since 1850. Specific objectives of the study were: to assess the relations between the Bukusu-Sabaot during the pre-colonial period; to examine the Bukusu-Sabaot relations in the colonial period and; to analyse the land question in the post-independence Bukusu-Sabaot conflict. The study was grounded on instrumentalists and constructivists theories of ethnic identity. Constructivist argues that ethnic identity is the latest invention in Africa created by colonialists and missionary agents. Instrumentalist on the other hand views ethnicity as a tool by the elites as a means to achieve certain objectives. The study in addition found that socio-political and economic features of both the Bukusu and Sabaot like burial rites, initiation, settled life, production forces age set systems and council of elders reinforced the land conflict in Mt. Elgon area. The study further found that ethnicity, gender dimensions, politics, elites and infiltration of firearms in Mt. Elgon have fuelled the Bukusu-Sabaot inter-ethnic land conflict in Mt. Elgon area. The study recommended that epicentres of conflict should be mapped out and intervention measures concentrated in such areas. The study recommended that cultural relativity should be emphasised, and perpetrators of the conflict should be at the centre of conflict mitigation. The study also recommended that gender related pressure regarding land ownership should be dropped because it augmented the conflicts and the government should take disarmament exercise seriously in Mt. Elgon area. The study further recommended that there is need to ease pressure on land by establishing alternative sources of livelihood. The study also concluded that traditional methods of conflict resolution should be fused with religious conflict intervention methods and other modern mitigation methods to avert the conflict.

DEFINITION OF OPERATIONAL TERMS

- Clan:** A group of people with a common ancestor among the Bukusu and Sabaot
- Community:** A group of people with a common language, origin and beliefs, the Bukusu and Sabaot sub-ethnic groups
- Conflict resolution:** An inter-ethnic solution to the Bukusu-Sabaot conflict in Mt. Elgon area
- Conflict:** A prolonged violent conflict between the Bukusu and Sabaot in Mt. Elgon area
- Ethnic:** To imply Bukusu or Sabaot ethnic groups sharing language, common origin and beliefs.
- Ethnicity:** That pertaining being a Bukusu or Sabaot, the ethnic affiliation of a Bukusu or Sabaot
- Ethnic identity:** An entrenched feeling of being a Bukusu or a Sabaot
- Inter-ethnic conflict:** A conflict involving the Bukusu and Sabaot
- Intra-ethnic conflict:** A conflict within the Sabaot intra-ethnic groups
- Militia:** A gang of illegal armed organisation with a command and structure that seizes and takes control of Mt. Elgon in the Bukusu-Sabaot inter-ethnic land conflicts
- Society:** A setting of the Bukusu and Sabaot living together in a neighbourhood in Mt. Elgon are.

LIST OF ABBREVIATIONS AND ACRONYMS

ADC:	African District Council
AP:	Administration Police
BPU:	Buluhya People's Union
BU:	Bukusu Union
CAPU:	Coast African People's Union
CEE:	Common Entrance Examination
CID:	Criminal Investigation Officer
CMS:	Church Missionary Society
CU:	Catholic Union
DC:	District Commissioner
DO:	District Officer
DYM:	<i>Dini ya Musambwa</i>
EAA:	East African Association
ENDC:	Elgon Nyanza District Congress
FAM:	Friends African Mission
FAIM:	Friends African Industrial Mission
FEM:	February Eighteen Movement
FERA:	February Eighteen Resistance Army
FORD:	Forum for Restoration of Democracy
GEAC:	German East African Company
GSU:	General Service Unit
IBEAC:	Imperial British East African Company

IDP:	Internally Displaced Persons
IGAD:	Inter-Governmental Authority on Development
KADU:	Kenya African Democratic Union
KANU:	Kenya African National Union
KAU:	Kenya African Union
KNA:	Kenya National Archives
KAPP:	Kenya African People's Party
KAR:	Kenya African Rifle/Kings African Rifles
KDF:	Kenya Defence Force
KES:	Kitosh Education Society
KIM:	Kenya Independence Movement
KNBS:	Kenya National Bureau of Statistics
KNP:	Kenya National Party
KPA:	Kalenjin Political Alliance
LAC:	Local Advisory Council
LEGCO:	Legislative Council
LC:	Location Council
LNC:	Local Native Council
MLDF:	Moorland Land Defence Force
MP:	Member of Parliament
Mt:	Mountain
MUF:	Maasai United Front
NADC:	Nairobi African District Congress

NAO:	Native Authority Ordinance
NATO:	North Atlantic Treaty Organization
NCCK:	National Council of Churches in Kenya
NGO:	Non-Governmental Organization
NKFA:	North Kitosh Farmers Association
NPCP:	Nairobi People's Convention Party (NPCP)
ODM:	Orange Democratic Movement
PNU:	Party of National Unity
PC:	Provincial Commissioner
RCC:	Roman Catholic Church
SALW:	Small Arms and Light Weapons.
SLDF:	Sabaot Land Defence Force
SNA:	Somali National Association
TJRC:	Truth Justice and Reconciliation Commission
UN:	United Nations
USA:	United States of America
WKC:	West Kalenjin Congress

CHAPTER ONE

INTRODUCTION

1.0 Introduction

This section highlighted the background to the study, which in the build up to the problem high pointed the backdrop of the history of administration in Mt. Elgon area, inter-ethnic land conflicts in Africa, Kenya and Mt. Elgon area. The chapter high spotted the statement to the problem, which in a practical sense validated the essentiality of this study. It underlined the specific objectives, the research questions and premises which formed the foundation of this study. The section presented the literature review which demonstrated the gaps in the reviewed studies. It underscored the justification, and significance of the study which puts an emphasis on the importance of this study and its irrefutable prominence. The subdivision further covered the theoretical framework and research methodology that was vital in the collection and analysis of data.

1.1 Background to the Study

Ethnic conflicts appear to be on the rise. In the recent years, violent conflicts have erupted between ethnic groups in the former Yugoslavia, Russia and Spain. Ethnic conflicts are also a threat to world peace and stability. Inter-community feuds have profound ramification to the neighbouring communities and nation-states. Forcibly displacements and destruction of stable governments and economies are synonymous with inter-ethnic conflicts. Besides, the harsh reality of ethnic related skirmishes contributes significantly to loss of lives, destruction of property and disruptions of livelihoods.¹

¹Ember, C: Melvin Ember and Peter N. Peregrine: *Anthropology 12th ed.* (London: Pearson education Inc.; 2007) p.554

Porous borders have significantly been attributable to the influx of Small Arms and Light Weapons (SALW). The unchecked situation aids and enables weapons to end in the hands of the civilians and the militia, which has an effect on the escalating ethnic conflicts.

According to Fredrick Warurii;

...inter-ethnic conflicts have been fuelled by the Small and Light Weapons (SALW) Civilians control six hundred and forty million more Small and Light Weapons than the police and governments. An addition, eight million new weapons enter the market each year. The unrestrained access to SALW by the civilians creates an avenue for regional militarization by illegal gangs.²

In Africa, a continent believed to be the cradle land of man, inter-ethnic conflicts have littered the continent's rich history until '...Africa is described as the land of chaos.' The Nkonya and Alavanyo have engaged in a perennial land conflict in the Volta region in Ghana, leading to socio-economic implications and political turmoil in the affected Volta region. Lack of amicable solution has given leeway to unrests in the region that resurrects periodically. The two communities fight to control land as a social and economic asset which is inherent in their social and economic spheres.³

In Nigeria, the Yoruba farmers and the Hausa-Fulani pastoralists have engaged in inter-ethnic land conflicts in South Western Nigeria. The contested land was either donated or sold by traditional rulers to the British company - Royal Niger Company - which, after it officially wound up handed over the land in question to the governor of Nigeria. The colonial state like the Royal Niger Company left the land undeveloped and unoccupied

²Warurii, F.K: *Inter-ethnic conflicts: trends, causes, effects and intervention in Rumuruti Division of Laikipia*, (Nairobi: Kenyatta University; 2015); p.1

³ Asamoah, P.K.: *Ethnic conflicts: A threat to Ghana's internal stability* (Oslo: Master of Philosophy thesis; University of Oslo; 2014); p. 61

creating an avenue for the rights of claim by the Hausa-Fulani and the Yoruba.⁴

Arowosegbe further states that;

As indigenous Yoruba farmers embarked on chasing away Hausa-Fulani pastoralists from their land, bitter and bloody struggles ensued. In seeking to stop their Yoruba aggressors, Hausa-Fulani pastoralists instituted several court actions. In the process, litigations and counter-litigations continued into the 1980s, most of which have elicited fatal clashes, thus undermining development and stability.⁵

In DRC Congo, the Kalehe (South Kivu) area, the Tutsi and the Hutu are engaged in inter-ethnic land conflicts. The Tutsi expect to return to their lands on Kalehe's Hauts Plateaux (High Plateaux) mountain range. They left these lands at the height of the Hutu-Tutsi inter-ethnic conflict in Rwanda in 1994 which had a spill over upshot in the area.⁶ Gillian and Vlassen best explains this concept as follows:

Prior to their departure, Tutsi communities made arrangements about their concessions, either selling the land or leaving it to custodians or guardians. At present, however, much of this land is occupied by Hutu farmers, who fear the loss of their livelihood options in case the original —Tutsi— landowners return. In this case, land disputes have revived long-standing animosities and contribute to the enduring presence of armed groups.⁷

While community leaders use these armed groups to ensure and protect their access to land, the persistence of these groups is also connected to land grabbing by politico-economic elites, which further reduces the livelihood options of Hutu farmers.⁸

⁴ Arowosegbe, J.O. : *Ethnic Minorities and Land Conflicts: Social science research council / working papers* (Ibadan: University of Ibadan; 2017); p. 13

⁵ *Ibid*

⁶ Gillian Mathys and Koen Vlassenroot: 'It's *not all about the land*': *Land disputes and conflict in the eastern Congo* (Nairobi: Rift Valley Institute prsp briefing paper 14, 2016); p. 5

⁷ *Ibid*

⁸ *Ibid*

The last decade of the 20th century saw Rwanda plunge into a vicious Hutu-Tutsi inter-ethnic conflict. The magnitude of the conflict got the attention of the world. Land was the emotive issue that triggered the conflict. Billy Batware shades light when he writes that; ...the Tutsi chiefs accumulated land resource denying the Hutu equal opportunity of ownership. This system of exploitation became untenable, sparking skirmishes pitting the Tutsi against the Hutu in Rwanda 1990-1994.⁹

Kenya has witnessed the highest frequency of inter-ethnic conflicts in the region. Land remains the most contested resource in Kenya's inter-ethnic strife. Common conflicts involve the pastoralist communities fighting to control grazing fields while agriculturalist communities fight to control land for crop cultivation. Fredrick Warurii adds; "...in Kenya ethnic based clashes have been witnessed in Rumuruti division of Laikipia in the former Rift Valley province between the pastoralist Somali and the agriculturalist Kalenjin over land". In 1992, the Kikuyu and the Kalenjin in Rift valley conflicted over land ownership with Molo being the epicentre. In Gucha and Migori inter-ethnic conflicts have involved the Luo and the Abagusii. The Oromo and the Pokomo in the river Tana delta have engaged in perennial conflicts over the grazing land and water between 2012 and 2013.¹⁰

The Pokomo and the Oromo have engaged in inter-ethnic land conflict in the Tana Delta between 2012 and 2013. This came about where the Pokomo who are agriculturalists protested the Oromo (pastoralists) invasion on the Kau farm, which is believed to be Oromo land.

⁹ Billy Batware: *Rwandan ethnic conflict* (Australia: European University; 2012); p.4-5

¹⁰ Warurii, F. K., *Op.cit*, p. 3

The Oromo instead claimed they were using a migratory route that seemed to have been converted into a rice farm. The escalation of the conflict claimed two hundred lives and property worth millions destroyed in the course of the conflict.¹¹

The Turkana and the Pokot communities, on the other hand, have engaged in the inter-ethnic land conflicts in the Turkwel Gorge area, whose ownership is contested by both communities.¹² On land disputes, the Security Research Information Centre report captured key informants' views that; "...both the Turkana and the Pokot communities accused each other of encroaching on one another's land particularly in areas such as Turkwel Gorge, whose ownership is claimed by both communities".¹³

In Nakuru County, Kuresoi North Sub-county the Kipsigis, the dominant ethnic community in the area have engaged in inter-ethnic land conflicts with the Kikuyu and Abagusii. They have branded Kikuyu and Abagusii in the area as 'foreigners' who are occasionally evicted during inter-ethnic land conflicts.¹⁴ Kipkemoi adds;

Different ethnic communities flock to Kuresoi North sub-county to purchase land, since it is considerably cheaper than in other areas. In times of conflicts, those who purchased land in the recent past are considered "foreigners" and hence get threatened of eviction. The Kipsigis are considered the original inhabitants; who practice both crop and animal husbandry. In the event of impending conflicts, the other ethnic groups mainly the Abagusii and the Agikuyu view themselves as being in a foreign land; hence, they in most

¹¹ Kirchner, K: *Conflicts and Politics in Tana Delta Kenya: An Analysis of the 2012-2013 clashes and the General and the General and presidential elections* (University of Leiden: African Studies Research; 2013); p.61

¹² *An assessment of social-economic impact of conflict in Turkana and West Pokot Counties*, (SRIC; 2016); p. 16

¹³ *ibid*

¹⁴ Kipkemoi, L. J. : *Factors influencing inter-ethnic conflicts in Kuresoi north sub-county Nakuru county, Kenya* (Nairobi: MA thesis, University of Nairobi; 2015); p. 18

cases opt to move to other regions until such a time when peace prevails.¹⁵

In Bungoma County, Mt. Elgon area has been an epicentre for intra-ethnic and inter-ethnic land conflicts for decades. Intra-ethnic conflicts have pitted the Sabaot clans against each other, whereas inter-ethnic land conflict has pitted the Bukusu against the Sabaot. The problem of land has featured prominently in both intra-ethnic and inter-ethnic clashes. The non-commitment by relevant authorities to put to rest land skirmishes in the area, has given leeway to sporadic intra- and inter-ethnic land conflicts in the area. Beatrice Imbuye observes that:

...in Mt. Elgon area, an intra-ethnic land conflict has erupted between the Soy and Ndorobo. At the centre of the conflict, has been the unresolved land problem. The government initiative to resettle the Ndorobo and incorporate them into mainstream life in 1967 has since been derailed with armed Soy and Ndorobo intra-ethnic conflict in the Mount Elgon Sub-County. Politicians and militia have fanned intra-ethnic conflict between the soy and Ndorobo over land resettlement scheme at the Chebyuk resettlement scheme.¹⁶

Mt. Elgon area has been at the centre of controversy between the Bukusu and Sabaot, the bone of contention has been land conflict which is expressed in twofold. First, Mt. Elgon area as an ethno-geographical territory contest between the Bukusu and the Sabaot, in this respect conflict is centred on whom between the Bukusu and Sabaot were the first to settle around Mt. Elgon area.

About the origin of the Bukusu Were states that; ...Mundu either came from a hole in the ground at the top of Mount Elgon, or he came from Abyssinian direction in the north.¹⁷

¹⁵ *Ibid*

¹⁶ Beatrice Imbuye: *Intra-ethnic Relations among the Sabaot of Mt. Elgon* (Nairobi: MA thesis Kenyatta University; 2016); pp. 121-5

¹⁷ Were, G. S.: *A History of the Abaluyia of Western Kenya 1500-1930*, (Nairobi: East African Publishers; 1967a); p. 43

This is shared by an informant who emphasized that Mt. Elgon area was a Bukusu ethno-territory and the Sabaot intrusion in the area displaced them pushing them to eastern Uganda.

Khamala reinforces the documented and oral evidences on both the Bukusu and Sabaot conflict on whether the former or the latter was the first inhabitant of Mt. Elgon area.¹⁸ On the other hand, Kakai presupposes a diametrically contradictory version validating the Sabaot myth as the original inhabitants of Mt. Elgon area. Kakai argues that the entrenchment of colonialism during the first decade of 20th century had far reaching ramification on Sabaot in Mt. Elgon area. The policies enforced by the colonial agents displaced the Sabaot in Mt. Elgon area creating a leeway for the Bukusu to move in and encroach on the Sabaots familial land.¹⁹

Nonetheless, Makila refutes that; "...the Bukusu were the first occupants of Trans-Nzoia districts for the most part Uasin Gishu (Sirikwa settlement) and Mt. Elgon area."²⁰ The present study holds that, from Makila the Bukusu who were the original inhabitants of Mt. Elgon area were displaced by the Sabaot incursion in the area pushing them further to areas of modern eastern Uganda.

¹⁸ Geoffrey Khamala: *Gender dimension of ethnic identities and conflicts in Kenya: The case of the Bukusu and Sabaot communities* (Nairobi; Kenyatta University; 2009); p. 53

¹⁹ Pius Kakai: *History of inter-relations in Mt. Elgon, Bungoma and Trans Nzoia* (Nairobi: University of Nairobi, 2000); p. 35

²⁰ F. E. Makila: *An outline History of the Babukusu* (Nairobi: Kenya Literature Bureau; 1976); p. 7

This connects with the occupational approach postulated by Bethwell Ogot, which espouses that pastoralist's socio-political superiority enabled them to push the agriculturalist in the East Africa.²¹

The Bukusu and Sabaot have engaged in ethno-territorial conflicts in Mt. Elgon area. Ethno-territorial conflicts manifest through processes of residential segregation, conflicting group reside within separate housing blocks, separate neighbourhood, separate villages and each respectively; constitute majorities or minorities within separate regions and locales...depending on the actors, ethnic territory has either been an instrument for peace or for animosity in many regions.²² Kakai states that; "...in 1946, the Bukusu and Sabaot clashed over Kimilili-Kamukuywa boundary with Sabaot accusing the Bukusu for encroaching on their land."²³

Second, in 1965 the national government initiated the Chebyuk settlement scheme to integrate a Sabaot intra-ethnic group (Ndorobo) into mainstream life. The Sabaot intra-ethnic (Ndorobo) were then living in Mt. Elgon forest, the government was undertaking a conservatory measure of Mt. Elgon forest funded by the government of Finland considering Mount Elgon is a water catchment area. The initiative was also aimed at protecting the Sabaot intra-ethnic group (Ndorobo) from sporadic attacks from Idi Amin fugitives who had sought refuge in the Mount Elgon forest after the government of Idi Amin was toppled in 1979.

²¹ Bethwell A. Ogot: *Emerging Themes of African History: The Role of the pastoralists and agriculturalist in African History; the case of East Africa*, edited by T.O. Ranger (University of East Africa: East African publishing House: 1968); pp. 126-8

²² Cheweya, L: *Electoral Politics in Kenya*, (Nairobi: Claripress; 2000); p. 232

²³ Kakai, P., *Op.cit*, pp. 146-147

Besides, it was also a compensatory move after the Sabaot lost chunks of land in colonial Trans-Nzoia at the height of the colonialism in Kenya in 1920's.²⁴ Initially, land was identified in Nakuru and Uasin Gishu but the Sabaot group turned down the offer. They were therefore resettled on the slopes of Mt. Elgon in 1971. The Emia and Chebyuk in Kopsiro division were created as a result in what is commonly referred to as Chebyuk Phase I. Unregulated and delayed government allocation of land in Chebyuk Phase I settlement scheme led to the encroachment of the land by the Bukusu.²⁵

Administrative entities within Mt. Elgon area have been created and re-structured a number of times by both the colonial governments and the post- independence governments. At the outset, Mt. Elgon area was under the Eastern province jurisdiction within the British imperialist hegemony with the headquarters at Kampala. Subsequently, the Eastern province was later hived off to then British East Africa outpost (Kenyan colony) in 1902.²⁶ Imbuye notes;

On 10th June, 1894 Uganda was declared a British protectorate. The protectorate was divided into provinces and Mt. Elgon fell under eastern province of Uganda. The first commissioner was Sir. H. Colville...however, with evolutionary structures of colonial rule in the protectorate, the eastern province was transferred to the British East African protectorate which roughly represent today's republic of Kenya, thus Mt. Elgon fell under the lakes Province before transforming to Kavirondo and finally Nyanza province.²⁷

²⁴ Simiyu, R.R.: *Militianisation of Resource Conflicts: The case of land based conflict in Mount Elgon region of western Kenya* (Pretoria: Institute of Security Studies; 2008); p. 4

²⁴ *Ibid*, p. 14

²⁵ Kiragu W., Barrack M. & Manasseh W.(ND).Governance and security Factors Research consultants: A
UNDP /OCHA funded research, p.16

²⁶E.M Aseka: '*Political Economy of Buluyia, 1900-1963*' (University of Nairobi: PhD thesis presented at Golf Hotel, Kakamega); p. 70

²⁷Imbuye, B., *Op.cit*, pp. 59-60

Currently, Mt Elgon area is in Mt. Elgon Sub-county in Bungoma County with four divisions, namely; Cheptais, Kaptama, Kapsokwony and Kopsiro. Mt. Elgon district was formed in 1993 in the defunct western province with headquarters at Kapsokwony, but it has been re-structured a number of times. In his research that touched on the administration history of Mt Elgon, Pius Kakai wrote as follows: That, Mt. Elgon area has been subjected to administrative reorganization since the colonial period. It was a sub-location within North Nyanza up to 1930 when the name was used to refer to a location. It later grew into a division in Bungoma district in 1975. Mt. Elgon district was pronounced by president Moi under the executive order in 1993 in a public rally.²⁸

²⁸Asamoah, *Op.Cit*, p. 34

Figure 1.1 below shows the study area within the administrative boundaries of Bungoma county.

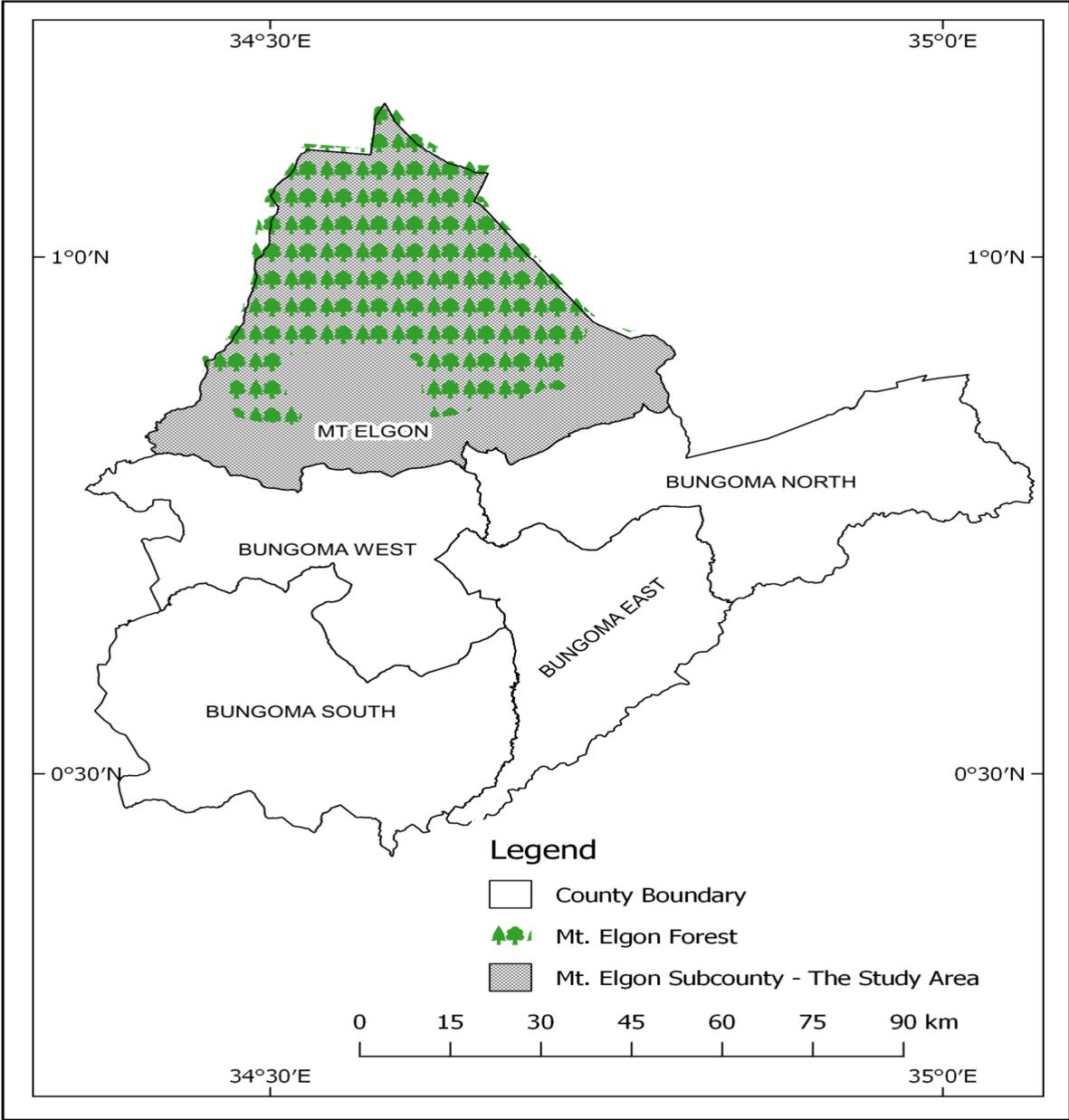


Figure 1.1: Administrative boundaries of Bungoma County showing the study area
Source: Moi University Department of Geography GIS Lab

The conflict in the Mt. Elgon area has attracted the attention of social science scholars from different fields. Many studies done in the area had different objectives principally to unearth the endemic land conflicts in Mt. Elgon area leaves lacuna in the Bukusu-Sabaot inter-ethnic land conflict focusing on the intra-ethnic conflicts among the Sabaot clans. This study takes into consideration contributions of other scholars in understanding and shading insights on Bukusu-Sabaot inter-ethnic land conflict and similar land related conflicts. It also gave futuristic interventions to land based conflicts world over. In order to bring out the historical analysis of the land question in the Bukusu-Sabaot inter-ethnic conflict in the Mt. Elgon area since 1850, this study was guided by Instrumentalism and Constructivist's theories of ethnic land conflicts.

1.2 Statement of the Problem

Inter-ethnic based conflicts attract attention among, anthropologists, political scientists, sociologists, historians and scholars in the field of social sciences in general. Thus, numerous studies have been done in Mt. Elgon area; Beatrice Imbuye study is subjective on inter-ethnic land conflicts and relations among the Sabaot clans. Geoffrey Khamala's study reinforces on the other hand the Bukusu-Sabaot inter-ethnic conflict attributed the occurrence and furtherance of the crisis to the constructed gender crisis among the Bukusu and Sabaot. Lucy Waithaka Study centred on ethnicity as an independent variable in the conflict among the Sabaot intra-ethnic groups. Pius Kakai Study narrowed on the History of inter-ethnic relations in communities living in Mt. Elgon, Trans Nzoia and Bungoma Districts. Simon Moikut Study illuminated the negative impact of the land clashes to access to primary and secondary education in Chebyuk while Charles Wasike Study illumined Mt. Elgon ethnic conflicts and the threat it poses to East African Communities

Cohesion. From the foregoing background, the land question in the Bukusu-Sabaot inter-ethnic conflict is an age old crisis. Mt. Elgon is a recent name, named after the Kony by Joseph Thomson; this has sparked a row with the Bukusu claiming that their original name of Mt. Elgon is Mt. Masaba named after their ancestor. This interlaced with the controversial government programme to resettle Sabaot on the Chebyuk settlement scheme spawn an ethno-territorial land conflict between the Bukusu and Sabaot in Mt. Elgon area. However, studies done in the area have paid little or no attention on this problem leaving a lacuna in the inter-ethnic land conflict between the Bukusu and Sabaot, a gap which this study filled. This study undertook the historical development of the land question in Bukusu-Sabaot inter-ethnic conflict in Mt. Elgon area since 1850 by identifying the triggers of the conflict as well as finding a sustainable solution to the endemic crisis in the study area and world over.

1.3 Research Objectives

This study was guided by the following objectives;

- i) To assess the land question in the Bukusu - Sabaot inter-ethnic relations during the pre-colonial period
- ii) To examine the land question in the Bukusu - Sabaot relations in the colonial period
- iii) To analyse the land question in the post-independence Bukusu - Sabaot inter-ethnic conflict.

1.4 Research Questions

This study was guided by the following questions;

- i) How did the Bukusu-Sabaot inter-ethnic relations during the pre-colonial period impact on the land question in Mt. Elgon area?
- ii) In what way did the establishment of colonial rule, Christianity and formation of early political association impact the land question in the Bukusu-Sabaot relations in the colonial period?
- iii) In what manner did politics, government policies, ethnicity, gender dimensions and infiltration of small arms and light Weapons impact the Land question in the post-independence Bukusu-Sabaot conflict?

1.5 .Research Premises

- i) The pattern of the Bukusu-Sabaot inter-ethnic relations impacted the land question in Mt. Elgon area during the pre-colonial period.
- ii) The establishment of colonial rule, Christianity and formation of early political association impacted the land question in the Bukusu-Sabaot relations during the colonial period.
- iii) Politics, government policies, ethnicity, gender dimensions and infiltration of small and light weapons impacted the land question in the post-independence Bukusu-Sabaot inter-ethnic conflict.

1.6 Significance of the Study

The study contributes to the historiography of Kenya in general and that of Western Kenya in particular. It will help avert poverty occasioned by inter-ethnic strife and bring about social-political harmony in avoidance of current and future inter-ethnic conflicts. It draws lessons that offer lasting solutions to communities experiencing similar inter-ethnic conflict world over. Finally, the study is a source for further research. Moreover, studies

done on inter-ethnic conflicts, especially on Bukusu-Sabaot inter-ethnic land conflict are scanty.

1.7 Justification of the Study

Many works on inter-ethnic conflicts done on global, continental, regional and national level have not historicized the land question in the Bukusu-Sabaot inter-ethnic conflict. The present study therefore filled this gap by exploring a historical development of the land question in Bukusu-Sabaot Inter-ethnic conflict in Mount Elgon Area Since 1850.

1.8 Scope and Limitation of the Study

The Bukusu and Sabaot inhabit different parts of Kenya and East African region. Due to time and financial constraints, the study focused on Bukusu and Sabaot around the Mt. Elgon area in Kenya alone. Mt. Elgon area in Kenya is also inhabited by the Teso who are the minority. The study focused on the Bukusu and Sabaot because they form eighty per cent of the population of the area with a history of inter-ethnic land conflicts that has not captured the attention of scholars.

1.9 Literature Review

This sub-section explored related works on inter-ethnic conflict by other scholars. It reviewed studies on inter-ethnic land conflicts continentally, nationally and finally in the study area. It identified gaps and indicated how they are addressed in the present study. While demonstrating the reality of inter-ethnic land conflicts as a global problem, Khamala observed that, the crisis of ethnic identities and conflict is a global phenomenon; majority

of global societies are stratified around ethnicity.²⁹ The identified gaps helped give this study confidence while similar areas were also instrumental in shaping this study.

1.9.1 Inter-ethnic Land Conflicts in Africa

In his study, *Ethnic Conflict: A Threat To Ghana's Internal Stability*, Paul Kwame Asamoah employs qualitative research design, to ascertain the impact of ethnic conflict to the Ghanaian national stability. Asamoah's study defines qualitative research design as, one that seeks to describe actions within a specific setting and invites rather than tries to control the possibility of a rich array of variables, qualitative researchers have tendency to explore difficulty to control social variables directly rather than reducing them to numbers.³⁰

Asamoah's study applies symbiotic political theory to justify ethnic conflicts as an ethnic response or tradition/myth that is general the symbol that permits aggression towards another ethnic group. The Symbiotic political theory is different from the instrumentalism and constructivists' theory espoused by this study, which theorizes the Bukusu-Sabaot inter-ethnic conflicts as an influence of the elites and activities of colonialists and missionaries.³¹ Asamoah listed the true causes of conflicts to include; ethnicity and over-reliance on ancient hatreds which over-simplifies deeper problems.³²

The research established that Nkonya-Alavanyo conflict has disrupted livelihood and that it is a socio-economic impediment to support structures in the Volta region. The ineffective political order midwives an institutional maladministration that breeds an abusive system

²⁹ *Ibid*, p. xvi

³⁰ *Ibid*, p. 26

³¹ *Ibid*, p.8

³² *Ibid*, p. 11

that violates human rights in the midst of territorial protectionism and the quest to control land.³³ The findings from that study were central to this study on the role of the government in the furtherance of inter-ethnic conflicts in Mt. Elgon area.

Asamoah sheds more light on this;

Beyond institutional malfunction is the absence of political resolve to determine longstanding issues of injustice that have continuously, over several decades in the Volta region; emanated issues of sovereignty as well as control of land as a social and economic resource. The main cause of the ensuing conflict is as a result of land struggle between two communities involved is not purely economic in nature –an overlap of the cultural value and economic factors define the conflict and make it very difficult to resolve.³⁴

Asamoah uses Nkonya-Alavanyo conflict as a case study of why the conflict persisted for decades despite numerous interventions for resolution, and the effect of the conflict on the communities involved, the study further identifies land as the cause of the conflict because of its economic and heritage value which was important to this study.

Arowosegbe's *Ethnic minorities and land conflicts* pictures a protracted land conflicts between the Yoruba farmers and the Hausa-Fulani pastoralists in South Western Nigeria. The contested land was donated by the indigenous African rulers to the Royal Niger Company which in the course of winding up its activities in Nigeria handed over the land to the British colonialist. The land ownership remained unresolved several decades after independence in Nigeria serving as a breeding ground for inter-ethnic land conflict between the Hausa and the Fulani. This work was important to this study in the sense that it helped shed light on the contribution of the colonialists in the shaping up of the land question among African ethnic communities in the Sub-Saharan Africa and the

³³ *Ibid*, 2014:61

³⁴ *Ibid*, p. 61

ineffectiveness by the independence governments in the Sub-Saharan Africa to effectively solve land problems created during the colonial period.³⁵

Gillian Mathys *et. al's* study centred on the land conflicts between the Hutu and the Tutsi in Kalehe (South Kivu areas); at the height of the Rwandan crisis in the last decade of the 20th century the fleeing Tutsi made agreements with the Hutu entrusting them with their land. Inexplicably, the Hutu have refused to honour the agreement sparking animosity and vicious inter-ethnic land conflicts between the Tutsi and the Hutu in Kalehe region in DRC. This study was central to this study because it gives a picture of the contribution of land concessions among African countries and how these agreements have led to the development of the inter-ethnic land conflicts among African communities in the Great Lakes region.³⁶

Batware Study high points the vicious land conflicts between the Hutu and Tutsi in Rwanda in the run up to the Rwandan crisis at the advent of 1990s, the study high spots how the Tutsi elites disfranchised the Hutu to apportion chunks of land at the expense of the latter; a problem which overtime led to an explosion of inter-ethnic conflicts in Rwanda.³⁷

1.9.2 Inter-ethnic Land Conflicts in Kenya

Fredrick Warurii's study, *The Historical Trends of Inter-ethnic Conflicts in Rumuruti Division of Laikipia County* on the other hand used descriptive survey design which entailed fact finding and solution through field research. The design helped to access qualitative data interrelated to the study questions and objectives.

³⁵ Arowosegbe, *Op.Cit*, P.13

³⁶ Gillian Mathys, *et. al, Op.Cit*, P.5

³⁷ Billy Batware, *Op.Cit*, P.4-5

The study was guided by two comfort theories, the incompatibility of plural society by Furnivall and Smith and the Greed versus Grievances theory by Collier and Hoeffler³⁸ According to Furnivall & Smith [in Warurii], in an ethnically plural society inter-ethnic conflicts are necessitated by the exclusive allegiance to the interests of one's ethnic nationality and cannot be eradicated.³⁹

Collier affirms that ethnic differences does not directly influence inter-ethnic conflicts and reiterates that diverse communities can relate amiably if economic greed is not in play and is eradicated through a political order that ensures equitable distribution of available economic resources and sound political policies and supports the same.⁴⁰

While correlating inter-ethnic conflicts in Rumuruti with colonialism in Kenya, Warurii contends that effective colonial occupation of Kenya by the British commenced with the conclusion of the Ugandan railway in 1901. The British in Kenya then introduced a new governing system that set up land alienation from African communities to generate opportunity for the settler economy; ostracized and repressive policies were enacted, prompting Africans to start agitating for the return of their land through political parties. Suffice to say, inter-ethnic conflicts in Rumuruti have roots in colonial maladministration and land policies that put a wedge between African communities to enable them conquer and subdue them easily. In addition, independence governments' indecisiveness to fix colonial-related emotive issues such as land created room for violent expression of grievances.⁴¹ Warurii observes that;

³⁸ Warurii, F.K., *Op.cit*, pp. 32-41

³⁹ *Ibid*, p. 32

⁴⁰ *Ibid*

⁴¹ *Ibid*, p.141

Cattle rustling and banditry are carried out by young people with the blessings of elders. Ethnicity and politics symbiotic relationship ignite inter-ethnic violence. Competition for socio-economic resources and exclusive monopoly of the same particularly during and after Moi's era has been reason for igniting inter-ethnic conflict. Poor or limited infrastructure and unemployment among the youths contributes to conflict manifestation.⁴²

The study looked into the root causes of recurring inter-ethnic conflicts in Rumuruti division of Laikipia County. It further, addresses the effects of intervention by the local communities, government agencies, religious denominations and civil society organizations in mitigating inter-ethnic conflicts in Rumuruti division of Laikipia County since independence. The study draws its presumption on the incompatibility of plural theory by Collier and Hoeffler.⁴³ However, Warurii's work does not draw its conclusion on the Instrumentalism Theory which explains inter-ethnic conflicts [onto which this work is anchored] as work for the elites. It also does not theorize the conflict as a structural construction of the colonial and missionaries' activities, even if it attributes the problem of land to the colonial administration, a gap which this study filled. It argues on incompatibility of plural society theory which demonstrates ethnic conflicts as allegiance to one's ethnicity and Collier and Hoeffler which indicts economic greed to the manifestation of ethnic conflicts. Even so, the study was important to this study because it inquires why ethnic based hostilities recurs in Rumuruti and the influence of perpetrators especially in mitigating the conflict, the study is also specific to Rumuruti division of the Laikipia County and which preclude the Bukusu and Sabaot in the Mt. Elgon Area. Even though the study identifies land as a variable in the conflict; it does not particularly probe

⁴²*Ibid*, pp. 142-3

⁴³*Ibid*, pp. 54-112

into historical development of the land question in the pre-colonial, colonial and post-colonial epochs as addressed by the present study.

Warurii unravels the underlying aspects that are the main cause of the inter-ethnic conflicts in Rumuruti. The study deduces that, poor or limited infrastructural or environmental marginalization makes it difficult for security agents to respond to contingent services. It clearly illustrates that cultural rustling has transformed from a socio-cultural practice to an economic activity escalating the frequency and volume of the conflict.⁴⁴ This was important to this study especially on physical challenges that affect security agents to respond to contingent services.

Kirchner's study which focuses on Conflicts and Politics in Tana Delta Kenya: An Analysis of the 2012-2013 clashes and the General and presidential elections; established that the Pokomo and the Oromo embroiled in inter-ethnic land conflict in the Tana Delta between 2012 and 2013. The Pokomo who are agriculturalist disputed the Oromo (pastoralists) invasion on the Kau farm, which they claimed ownership. The Oromo instead claimed that the land was a migratory route that had been converted into a rice farm.⁴⁵ This study was critical to this study especially on the pastoralist and agriculturalist conflict between the Oromo and the Pokomo that is similar to the conflict between the Bukusu and Sabaot.

SRIC Study established that the Turkana and the Pokot communities on the other hand have engaged in the inter-ethnic land conflicts in the Turkwel Gorge area, whose

⁴⁴ Warurii, F. K., *Op.cit*, pp. 31-32

⁴⁵ Kirchner, K: *Op.Cit.*,p.61

ownership is contested by both communities.⁴⁶ On land disputes, the Security Research Information Centre report captured key informants' views that; "...both the Turkana and the Pokot communities accused each other of encroaching on one another's land particularly in areas such as Turkwel gorge, whose ownership is claimed by both communities".⁴⁷ The study was crucial to the present study especially on the claims that both communities encroached on each other's ethno-territorial land.

Kipkemoi's work, factors influencing inter-ethnic conflicts in Kuresoi north sub-county Nakuru County, Kuresoi North Sub-county postulates that the Kipsigis, the dominant ethnic community in the area have engaged in inter-ethnic land conflicts with the Kikuyu and Abagusii. They have branded Kikuyu and Abagusii in the area as 'foreigners' who are occasionally evicted during inter-ethnic land conflicts.⁴⁸ This work was crucial to this study especially on ethno-territorial conflict between the Bukusu and Sabaot in Mt. Elgon area.

1.9.3 Inter-Ethnic Land Conflicts in Mount Elgon Area

In general, several studies have been done on either intra-ethnic or inter-ethnic land conflicts in Mt. Elgon area. For instance, Beatrice Imbuye's work in particular; uses qualitative study to reconstruct the intra-ethnic relations among the Sabaot, Imbuye's study draws its conclusion on the constructivism and instrumentalism theories of ethnic conflicts.

To this end, Imbuye advances that;

Constructivism was pioneered by Barth, who claimed that ethnicity is the product of a social process rather than cultural given made and remade rather than taken for granted, chosen depending on circumstances rather than

⁴⁶ SRIC, *Op.Cit*, p. 16

⁴⁷ *ibid*

⁴⁸ Kipkemoi, L. J, *Op.Cit.*,p. 18

ascribed through birth... Constructivism assumes that ethnic identity is malleable and dynamic rather than innate and unchanging... Constructivists analyse the origin of ethnic group, trace identity construction or invention to the activities of colonial authorities, missionaries and emergent nationalists and emphasizing the historicity and fluidity of ethnic identities.⁴⁹

Imbuye's work also complements constructivism theory with Instrumentalism theory arguing that ethnic hostilities are instigated by the elite politicization of the aspects of ethnicity. The study affirms that the Sabaot intra-ethnic conflict in Mt. Elgon area is a product of external influence that exert pressure on intra-ethnic composition through negative manipulation by politicians or activities of colonialists and missionaries.⁵⁰ Instrumentalism and constructivism theories are both similar to this study. Nonetheless, while Imbuye's works draws conclusion of the intra-ethnic conflicts among the Sabaot, this study on its part draws inference on the Bukusu-Sabaot inter-ethnic land conflicts in Mt. Elgon area a gap which this study filled.

About the Sabaot Imbuye front that:

The Sabaot loved geographical area of Mt. Elgon area and refused to move as other communities moved away from the area during the period of migration and settlement. Though conservative in nature the Sabaot did not resist the forces of change, they interacted with their neighbouring people. Colonial administration split Mt. Elgon area into different location in the process scattering the Sabaot in both Kenya and Uganda. Mt. Elgon was not the initial name of the area it was given by explorer Thomson; the name could have been a growing seed of discord because it is associated with the Kony...⁵¹

⁴⁹ Imbuye, B., *Op.cit*, pp. 18-19

⁵⁰ *Ibid*, 18-23

⁵¹ *Ibid*, p. 147

The study gives a geographical and historical root to the relations among Sabaot clans; it illustrates the migration and settlement patterns that led to construction of new groups founding the Sabaot. It elucidates the socio-political and economic organization of the Sabaot clans as an evolution process through time and the intra-ethnic tension it exerts leading to strained relationships and conflicts as well as conflict resolution mechanism. The study also illustrates the coming of Christian Missionaries and colonial masters as another springboard to the intra-ethnic relations in the region.

While these aspects were important to this study, they are intra-ethnic based among the Sabaot and does not factor the Bukusu living in Mt. Elgon area, a gap which this study filled.⁵² Imbuye's take on colonial and Christian missionary establishment in the area is that;

The colonial period saw more disintegration and the build-up of structural, colonial chieftain divided the Sabaot between those who supported colonialism and those who were opposed to it. The colonial administration alienated part of the Sabaot land to allow settler economy in the area. Christianity brought divisions among the Sabaots as their rose factions of those who converted to Christianity and those who resisted conversion. Conscription into the army during the inter-war period saw some Sabaots evade conscription to Trans Nzoia, those who remained were subjected to hard labour heightening divisions among the Sabaot. Dini ya Musambwa (DYM) as an agent for decolonization divisively ripped the Sabaot apart, as a section of the Christians convert objected its ideals.⁵³

Political tribesmen and elites play role in instigating conflicts, the election cycle is manipulated by the political elites who eye the political reward as they give promises to the subjects – in most cases the youths, who they facilitate to perpetrate intra-ethnic atrocities.

⁵² *Ibid*, pp. 35-70

⁵³ *Ibid*, pp. 151-153

This was important to this study although Imbuye's findings exclude the Bukusu in Mt. Elgon area.

Imbuye's study holds that, the Sabaot Land Defence Force (SLDF) in Mt. Elgon area had three arms, the military, religious and political wing. The Military wing served as the boots on the ground and carried out orders from their seniors. Although, they were headed by the deputy commander Matakwei, his senior remains faceless to this day. The religious wing included the Loibon who presided over oath taking and spiritual guidance to the militia. The political wing was in charge of the insurrection and acted as a command and co-ordination unit.⁵⁴ These actors were essential in this study on finding a lasting solution in the Bukusu-Sabaot conflict, especially on their active involvement in conflict resolution process.

Imbuye's study highlights land as the main cause of the intra-ethnic conflicts among the Sabaot Intra-ethnic groups. It posits that Land has been at the heart of political competition in the area, the authorities' inability to resolve the land problem created room for the offensive insurrection of Sabaot Land Defence Force (SLDF). The study explicates that Government intervention included the deployment of the army. Even so, Imbuye study concludes that the problem of land remains unsolved.⁵⁵ In a nutshell, Imbuye's study, delves into intra-ethnic crisis within the Sabaot clans of Mt. Elgon constituency and its contingent solution. It majorly depicts the issues of Sabaot origin and intra-ethnic conflict.⁵⁶

Lucy N. Waithaka highlights ethnicity as an independent variable in the land conflict in Mount Elgon region. Waithaka's research reinforces and connects the land conflicts in the

⁵⁴ Imbuye, B., *Op.cit*, pp.131-133

⁵⁵ *Ibid.*, pp.109-146

⁵⁶ *Ibid*

Mount Elgon region with post-colonial land politics and colonial land policies. The study cites the military intervention as a temporal order in the conflict mitigation since the real issue remains unresolved.⁵⁷

Waithaka's study identifies ethnicity as the cause of the land conflicts in Mount Elgon area. However, it does not investigate land as the independent variable as well has lacuna in drawing up its conclusion on the Bukusu-Sabaot inter-ethnic land conflicts in Mt. Elgon area. However, the aspect of ethnicity was vital in this study especially in drawing up the indicators of the Bukusu-Sabaot inter-ethnic land conflicts in Mt. Elgon area.⁵⁸

Waithaka study found that military intervention was a temporal reprieve in the conflict in Mt. Elgon area, this was important to this study especially on finding a lasting solution in the Bukusu-Sabaot inter-ethnic land conflicts.⁵⁹

Also, important, was Khamala's work that uses exploratory research design to construct the crisis of gender in explaining the Bukusu-Sabaot identity. Khamala defines exploratory research design as;

a type of qualitative research conducted to develop a casual explanation of some social phenomenon interpret a cause and effect relationship between two or more variables and explains differences in two or more group response.⁶⁰

Introspectively, Khamala's study is pegged on several theories. Primordialist theory which draws influences of biological ties to ethnic nationalism, instrumentalist theory which argues that ethnic identity is externally influenced; constructivists' theory that argues that

⁵⁷Lucy. N. Waithaka: *Ethnicity as an independent variable in the land conflict in Mount Elgon region* (Nairobi: University of Nairobi; 2013); pp. 44-63

⁵⁸Lucy Waithaka., *Op.cit*, pp. 44-63

⁵⁹*Ibid*

⁶⁰Geoffrey Khamala., *Op.cit*, p. 45

ethnic identity is the latest invention in Africa created by colonialists and missionary agents, the feminist's theory that recognizes patriarchy as the fundamental social cleavage in society and the post-European Imperialism theory which;

...discount the static impression of identity and instead in the process, celebrate the relational or interactive character of ethnicity. For them, ethnicity is situational and context based so that people might regard themselves and be regarded by others belonging to one or more ethnic group in one setting but in another ethnic group or groups in a different setting.⁶¹

The study, nonetheless, affirmed its conclusion on the Spivak's subaltern theory. The study does not draw its conclusion on the instrumentalists and constructivist theories of ethnic conflicts a gap which this study filled.⁶²

The study puts forward that gender biased leadership that alienates one gender at the expense of the other creates ethnic differences in society. The system further generates gender-based socio-economic and political imbalances. Women are isolated from political hegemony and ethnically deprived the right to own land. The Bukusu-Sabaot identities are prearranged in a way that dispirits inter-marriages.⁶³ Khamala asserts that;

Bukusu and Sabaot identities are structured in such a way as to externalize conflict through regulations of sexual relationship through socialization. In times of perceived threats, members of specific gender based ethnic groups gang up against members of other similarly constructed ethnic identities to ensure the survival and continual of the individual members within the specific ethnic identities.⁶⁴

Khamala further asserts that; the foregoing situation builds up tensions between the Bukusu and Sabaot in their political and economic realm in Mt. Elgon area. Ethnies are

⁶¹ *Ibid*, pp. 54-7

⁶² *Ibid*, p.57

⁶³ *Ibid*, p. 56

⁶⁴ *Ibid*

rallied or mobilized to perpetrate external conflicts through the manipulation of common aspects of culture to solidify one ethnic group against the other.⁶⁵

Khamala's study puts into perspective the influence of gender in the manifestation of ethnic identity among the Bukusu and Sabaot in Mt. Elgon area. It further exhibits how their unique symbols, myths and rituals are classified to aggravate the Bukusu-Sabaot ethnic identities and the expression of their conflict in socio-political and economic realms. This was important to this study especially the contribution of gender in the expression of the Bukusu-Sabaot land conflicts in Mt. Elgon area. The study also depicts how constructed gender based social institutions (Feminism and masculinity) interact to reinforce the Bukusu-Sabaot inter-ethnic land conflicts in Mt. Elgon area which was vital to this study.⁶⁶

Pius Kakai's work employs both primary and secondary sources to study history of inter-relations in Mt. Elgon, Bungoma and Trans Nzoia. Although, the study embraces inter-ethnic relations of all the communities in the area of study, it has a specific chapter devoted to the Bukusu-Sabaot inter-ethnic conflict.⁶⁷ The study is founded on the contemporary sociological conflict theory advanced by Karl Marx. The theory;

...largely synthesized the two classical traditions. The theory based its primary focus on unequal distribution of rewards in a society by Karl Marx, conflict theoretical formations deals with inter-relations between two or more units within a society.⁶⁸

The study illustrates the geographical and historical background of inter-ethnic relations in Mt. Elgon, Bungoma and Trans Nzoia to situate the backdrop of inter-ethnic relations. The

⁶⁵ *Ibid*, pp. 54-108

⁶⁶ *Ibid*

⁶⁷ Pius Kakai, *Op.cit* p. 23

⁶⁸ *Ibid*, pp.18-9

historical and geographical background links the physical landscape with human habitation. The study affirms that both ethnic identities strains inter-ethnic relations. These finding were important to this study on history and geography of the Bukusu and Sabaot conflict; the study further illustrates that;

...the nomenclatures of most of the region derive from the Kalenjin (Sabaot) whereas names given by for example Bukusu were ignored by Thompson. It points out the differential distribution of land and vegetation as a determinant factor in preference of pastoralists and mixed farmers.⁶⁹

The study holds that by 19th century, the Abatachoni, Babukusu and Sabaot had already established their present settlements in Bungoma, Trans Nzoia and Mt. Elgon. Inter-ethnic interaction among the communities flourished resulting in cross fertilization of cultures and ideas. In addition, conflict occurred among the communities but such conflicts did not affect inter-ethnic interaction entirely as some sections existed amiably while others conflicted. Traditional methods of conflict resolution were common; eating a dog was the ultimate point of conflict resolution. Such conflict intervention method was important to this study on conflict resolution mechanisms in the Bukusu-Sabaot inter-ethnic land conflict.⁷⁰ The study further asserts that;

Colonialism was entrenched in Bungoma, Mt. Elgon and Trans Nzoia districts between 1894 and 1945. New colonial values embedded in Christianity, western missionary education and administrative policies, brought new dimensions to inter as well as intra-ethnic or sub-ethnic and also inter-racial relations, the emergence of mission educated elite has been portrayed as having values which made elites see beyond ethnicity. Views of Kitosh Education Society as well as North Kitosh Farmers Association have been used to

⁶⁹ *Ibid*

⁷⁰ *Ibid*, pp. 41-78

illustrate how indigenous communities protested against colonial racial policies.⁷¹

During the colonial period the Bukusu, Abatachoni and Sabaot reacted differently towards colonialism. They formed political parties and joined *Dini ya Musambwa* (DYM) to agitate for decolonization, protest colonial oppressive policies and demanded the return of their alienated land. Consequently, a section of communities supported Christianity, colonial rule and western education.⁷² The study further posits that, as 1963 approached; party politics ripped the Bukusu and Sabaot apart in Mt. Elgon area. Ethnicity played out as the Sabaot joined Kenya African National Union (KANU) while the Bukusu mainly aligned to Kenya African National Union (KADU). In spite of their glaring political divergent allegiances, inter-marriage and inter-dependence thrived between the Bukusu and Sabaot in Mt. Elgon area. These aspects of relations during the colonial period were vital to this study even though Kakai's study has a lacuna on how these features contributed to the development of the land question in Mt. Elgon area between the Bukusu and Sabaot a gap which this study fills.⁷³

Kakai study discloses that the Sabaot and Abaluhya of Bungoma, Mt. Elgon and Trans Nzoia's nationalism was a causality of colonialism. The political structuring and restructuring of administration entities created ethnic identities. Overtime, external forces like globalisation and democratisation in Kenya especially pluralism have augmented inter-ethnic identities and tensions in Bungoma, Mt. Elgon and Trans Nzoia. This was important to this work especially on the Bukusu and Sabaot relations during the colonial period even

⁷¹*Ibid*, pp. 81-118

⁷² *Ibid*, pp. 157-172

⁷³ *Ibid*

though it has a lacuna on how they affected the land question between the Bukusu and Sabaot in Mt. Elgon area, a gap which this study fills.⁷⁴

The study tries to re-evaluate factors that contributed to the emergence and exacerbation of inter-ethnic tensions in the case of the Bukusu and Sabaot inter-conflict. It further makes inquiries into the role of societal stereotypes and hatred in relation to the question of ethnic identity and their perception of nationhood in the emergence of inter-ethnic conflict.⁷⁵

Kakai's study points out ethnicity, cattle rustling and land as the causes of the Bukusu-Sabaot inter-ethnic conflict, whereas it points out land as a factor in the conflict, it does not entirely probe the genesis of the problem in the pre-colonial, colonial and post-colonial epochs a gap which this study filled.⁷⁶

The study also does not employ the instrumentalist and constructivist theories of ethnic conflict but rather use the contemporary sociological conflict theory. Nonetheless, the study was important to the present study especially on the aspect of societal stereotypes and hatred in the manifestation of the Bukusu-Sabaot inter-ethnic conflict.

Simon Moikut Ndiwa work adopted the descriptive survey design to study the negative impacts of land clashes on access to primary and secondary education in Chebyuk settlement scheme; because it captures varied views and opinions held by different people.⁷⁷

The study was based on conflict theory and scarcity perspective theory. Conflict theory is a perspective in social sciences that emphasizes the social, political or material inequalities

⁷⁴ *Ibid*, p.177

⁷⁵ *Ibid*, p. 74

⁷⁶ *Ibid*, pp. 157-172

⁷⁷ S.M. Ndiwa: *the negative impacts of land clashes on access to primary and secondary education in Chebyuk settlement scheme* (Nairobi: Kenyatta University; 2011); p.16

in a social group and what causes conflict in a particular society.⁷⁸ The scarcity conflict theory presupposes ethnic conflict and tension expression as scuffle over scarce or limited natural resources. Ndiwa writes this;

The scarcity perspective of resource accessibility theory though most similar to conflict theory is more competitive over limited (scarce) resource as an important motivating factor. It is important because the conflict was caused by the scarcity of resources.⁷⁹

The study ascertains that land clashes had a depressingly effect on enrolment, staffing and school infrastructure. It was found that 100% of the schools in the region were closed in 2006/2007, of which 72% have been re-opened and 28% are still closed. Besides, shutting down of schools, it led to mass dislocation of pupils/students in which 32.7% stayed at home, 24.56% sought safe haven in relative places, 13% sought shelter in Chepkitaile (Mt. Elgon forest) and 29.73 relocated other schools.⁸⁰

The study further revealed that;

while at home/relative/Chepkitaile, 37% of the pupils were looking after animals, 21% were working on farms, 16% were engaged in domestic chores, 15% were hunting and gathering, 6% were employed as casual workers and 5% were recruited in the militia. It was also revealed that 97.6 of the teachers were displaced, 1.2% of the teachers were killed and 58.8% of the displaced teachers refused to go back to their schools after the clashes. Besides, it was found that land clashes of 2006 and 2008 led to destruction of classroom (22.3%), text books (29.6%) and latrines (18.8%). The destruction was estimated to be 30.089 million Kenyan shillings.⁸¹

⁷⁸ *Ibid*

⁷⁹ *Ibid*, p.7

⁸⁰ *Ibid*, pp.47-69

⁸¹ *Ibid*

The study suggested that the government should speed up the resettlement of unlawful tenants in Chebyuk Phase III settlement schemes, re-open the schools, recruit and post more teachers and lay out special funding to schools in the region to help them put back school's infrastructure ruined during clashes of 2006 to 2008.⁸²

Charles Wasike's work combines primary and secondary sources to study the Mt. Elgon ethnic conflicts and the threat it poses to East African Community's cohesion. The study is argued on the conflict system theory. The conflict system theory affirms that conflicts cannot exist on its own. Wasike's study held that, conflict is one entity that has an impact on other entities. At the international systems, states are the formal entities, which mean a conflict in state will automatically affect other states.⁸³

Accordingly, Wasike presents that;

Land problems around Mt. Elgon cannot be solved using the police. The security is sometimes caught in the middle, forced to maintain peace and apply directives that is inconsistency with other ruling; for example there are groups with letters of allocation and others are justified by the Ndung'u report. Attempts to beef up security and restore law by using excessive force has been infective. This sometimes involved selective burning of homes and scattering their occupation. The poor suffer as the land grabbers are protected.⁸⁴

The study allude that the financial sector should devise alternative instruments suitable for holding and creating wealth to ease pressure and tensions exerted on land. Corruption and impunity should be rid of to seal the loopholes of grabbing and general illegal acquisition

⁸² *Ibid*

⁸³ Charles Wasike: *Mt. Elgon ethnic conflicts and the threat it poses to East African community's cohesion* (University of Nairobi; 2009); pp. 24-5

⁸⁴ *Ibid*, pp. 91-3

of land.⁸⁵ The study asserts that; over the years, corruption has seeped into most land transactions to an extent that ninety per cent of the titles created in the last twenty years are illegal or irregularly acquired.⁸⁶

The study alludes that intrusion on public land by private developers should be curtailed to make possible public land serve its designated utility. The contravention of the legal provisions regarding Trust land should be checked since private land is the sources of ethnic conflicts.⁸⁷ Wasike confirms that;

The legal provisions for the Trust land are in the constitution. Those provisions have been over the years abused extensively most trust land have been allocated to who were not local residents of the county council. The allocations of private land have been the source of conflict in Mt. Elgon region, since in the allocation of those pieces of land, only a few individuals of certain tribes or clans benefited.⁸⁸

The study holds that constitutional review related to alienation and allocation of public land is indispensable to deal with the question of land fraud through legal intervention. Gender parity in terms of land access should be bridged. As part of the reforms, women and children access and have a say in the distribution of land. These reforms will shield them from exploitative indigenous land systems that gag their rights to own property. This finding was important to the present study.⁸⁹ The study further posits that;

People engaged in armed conflicts because they have the arms to fight with once the arms have been taken away from them then the causes of armed conflicts will reduce. If weapons are used for other reasons other than defence this becomes a threat to peace. The more the states come together and work together the stronger they become. That means the

⁸⁵ *Ibid*, p.94

⁸⁶ *Ibid*

⁸⁷ *Ibid*, pp.94-95

⁸⁸ *Ibid*

⁸⁹ *Ibid*, pp. 95-96

major reasons states forming international organizations is to enable them function effectively.⁹⁰

The study argues that globalization is promoting integration, states that work in blocks have challenges but the opportunities outnumber them. The instability East Africa has faced can be solved through addressing historical challenges. The study further postulates that Mt. Elgon conflicts and gives a picture of what conflicts can do to the future of sub-regional organizations such as the East African community.⁹¹ The study also affirms that;

The problem of conflicts in Africa and their management has been one of the biggest challenges for African diplomacy. In this context, East African Community (EAC), being one of the building blocks of African Union (AU), is mandated and currently structured to deal with of peace and security. Article one hundred and twenty four of the treaty for the establishment of East African recognizes peace and security as important prerequisite for its integration. It is quite clear that being politically federated is EAC's ultimate aspiration and it cannot possibly thrive in absence of a stable and peaceful environment.⁹²

The study reiterates the devastating effects to the economic, political and socio-cultural wellbeing of a state, which was important to this study. It goes to point out the effects the conflict bears on the neighbouring states. The study finds out what exactly is the main cause of the conflicts and establish the ripple effect to the neighbouring countries and by extension the entire East African region. The study espouses the conflict first as an intra-ethnic setting, then, inter-ethnic dimension specifically between the Sabaot and the Bukusu and finally between the region and the neighbouring states.⁹³

⁹⁰ *Ibid*, p. 98

⁹¹ *Ibid*, p.98

⁹² *Ibid*, p. 99

⁹³ *Ibid*, pp. 45-71

1.9.5 Conflict Intervention Mechanisms

To explain workable mechanisms of solving conflicts, reference is made unto Lyon's study that touches on strengthening of national political order, especially in Mt. Elgon area which has witnessed inter-ethnic conflict between the Bukusu and Sabaot despite the presence of strong democratic institutions in Kenya. Lyon's study also holds that religious intervention in Afghanistan is problematic because of the religious factions which are externally influenced making inter-ethnic conflicts solutions ineffective. This may not be the case in Mt. Elgon area, especially in the Bukusu-Sabaot inter-ethnic conflicts where religious intervention has been somewhat workable except that religious intervention only provides temporary reprieve in Mt. Elgon area.⁹⁴

Inman asserts that the federal Government's intervention in inter-ethnic conflicts in Indonesia only escalates conflicts, a force that is used by the federal government to repulse insurrections. In Mt. Elgon area, even though the Kenyan government is not federal in its established constitutional structures, government intervention in the Mt. Elgon crisis through operation *Okoa Maisha* provided tentative reprieve but did not solve the land problem in the area.⁹⁵

Asamoah's work adds value to this study as it tries to understand why the Nkonya-Alavanyo conflict persisted in spite of numerous interventions measures which draws similarities with the Bukusu-Sabaot inter-ethnic land conflict. The land in contest between the Nkonya and Alavanyo attracted litigation intervention in 1958, when the Supreme Court ruling was in favour of the Nkonya community. This, however, did not end the

⁹⁴ Lyon, P.D.S.: *A solution for ethnic conflict: Democratic governance in Afghanistan* (Oslo: Oslo University; 2006); p. 301

⁹⁵ Molly Inman: *When national minorities become local majorities: Federalism, Ethnic politics and violent conflict* (Maryland: University of Maryland; 2013); pp. 52-65

conflict as the Alavanyo disputed the accuracy and legitimacy of the 1913 Gruner Map.⁹⁶ Asamoah noted that, numerous local and government interventions have been made in an attempt to address these conflicts, but to no avail, as “anything” can reignite the feud.⁹⁷

Government intervention in the Nkonya-Alavanyo conflict has been susceptible to political mileage and manipulation which does not reflect trustworthy commitment in ending the conflict in Volta region. This conflict trajectory was important in analysing the Bukusu-Sabaot inter-ethnic conflict where the Sabaot sought litigation measures before the formation of the Sabaot Land Defence Force in 2006. Government intervention in Nkonya-Alavanyo conflict drew semblance in Mt. Elgon area between the Bukusu and Sabaot where the inter-play of political machination is explored by government and other political henchmen, who use the conflict as a political factor during the electioneering period.⁹⁸

Lothe study underlines the political intervention in the Burundi ethnic conflicts, the study ascertains that consociation approach which was adopted to end inter-ethnic conflicts in Burundi reasserts ethnicity and only served a tentative reprieve, as unrest and *coup de tat* still ensued and proposes the incorporation of integrative approaches with the consociation approach as a solution to inter-ethnic conflicts in Burundi. Political intervention was vital in Mt. Elgon area, political machination has been a factor in the Bukusu-Sabaot inter-ethnic conflict, a political solution is important in ending the conflict in Mt. Elgon area.⁹⁹

Another intervention step was the creation of a ‘National Commission to Study the Question of National Unity’. Even so, it was ridiculed for blaming ethnicity in Burundi to

⁹⁶ Asamoah, P.K., *Op.cit*, p.5 s

⁹⁷ *Ibid*

⁹⁸ *Ibid*

⁹⁹ Elizabeth Lothe: *Ending ethnic conflict: Can power sharing contribute to sustained peace in Burundi* (Oslo: University of Oslo; 2007); pp. 45-65

colonial legacy. Its recommendations culminated into a new constitution dispensation and created an atmosphere of openness and tolerance in Burundi. But, the new climate would soon be polarized by an impending presidential election in 1992. This invention is important to this study because it relates with the findings of the Truth Justice and Reconciliation Commission (TJRC) on Mt. Elgon, which reiterated the historical land injustice in Mt. Elgon area and highlighted the human rights violation and abuses in Mt. Elgon area, and recommended for the amicable solution to the land question and compensation for the victims of human rights abuses and violation in Mt. Elgon area.¹⁰⁰

Warurii's study indicts community elders, political elites and other influential opinions holders for perpetrating incitement of their community members inflaming inter-ethnic tensions and animosity between the warring communities. This finding was useful in this study especially on the contribution of the elites to the Bukusu-Sabaot conflict. Furthermore, the study finds that unemployment makes youths vulnerable to engaging in crime.

Negative ethnicity and selfish use of illegally owned guns influence the occurrence of inter-ethnic conflict. These finding were vital in investigating the Bukusu-Sabaot conflict in Mt. Elgon area.¹⁰¹ Warurii accentuates the effects of inter-ethnic conflicts in Rumuruti when he writes that, the conflict affect farming and leads to dispossession of livestock; communities acquire guns to defend themselves. Death rape, abduction and displacement

¹⁰⁰ *Ibid*

¹⁰¹ Warurii, F.K., *Op.cit*, p.32

cause loss of essential workforce to generate adequate food production by various communities.¹⁰²

Warurii underlines the intervention measures in conflict mitigation in Rumuruti by identifying the role of elders in the conflict. The study affirms that elder's ability to curse and predict timing and success of livestock rustling with precision makes them influential in conflict mitigation. The study acknowledges that churches and mosques played a pivotal role in conflict intervention. Their premises acted as safe havens for multi-ethnic Internally Displaced Persons (IDP). This gives them capacity to lead mediation and healing processes. The study consequently highlights Non-Governmental Organizations' (NGOs) involvement because they substitute the government in mitigating the conflict. Since politicians instigate ethnic clashes in conjunction with the business people they will be instrumental in conflict mitigation.¹⁰³ The conflict intervention measures were important to this study, especially in drawing up the efforts by elders, religious leaders and Non-Governmental Organization in Mitigating the Bukusu-Sabaot conflict and why such mitigation efforts have not offered a lasting solution to the conflicts in the Bukusu-Sabaot inter-ethnic conflict in Mt. Elgon area.

Yattan's study outlines the conflict intervention strategies in the Gabbra and Dassenetch, one such effort was a 'Peace and Reconciliation' convention concerning the Gabra and the Dassenetch, mediation efforts have been instigated and funded by religious organization including the Catholic Church of North Horr, which convened a peace meeting in mid July 1999. The meeting was shunned by key leaders including the late Cabinet minister, Dr. Bonaya Godana which annoyed the Dassenetch. This religious initiative did not achieve a

¹⁰² *Ibid*

¹⁰³ Warurii, F.K., *Op.cit*, p.143

lasting solution as sporadic conflicts ensued thereafter.¹⁰⁴ This was important in understanding why such similar initiative collapsed among the Bukusu and Sabaot inter-ethnic conflict.

1.9.6 Conflict Intervention Mechanisms in Mt. Elgon Area

As a conflict intervention mechanism the provincial administration engaged community leaders as agents of peace and dialogue, community leaders included former and serving councillors and elected Member of Parliament and other local and opinion leaders.¹⁰⁵ Imbuye further states that, this approach failed because the leaders had just re-negotiated their position in their society and had benefited from the large tracts of land that were being harvested by the SLDF.¹⁰⁶ This finding was important to the present study as a conflict resolution mechanism in the Bukusu-Sabaot inter-ethnic conflict in Mt. Elgon area.

Waithaka's study finds that military intervention was a temporal reprieve in the conflict in Mt. Elgon area. This was important to this study especially on finding a lasting solution in the Bukusu-Sabaot inter-ethnic conflict.¹⁰⁷

Khamala's study faults traditional methods of conflict resolution because they are gender biased. Elders who are men are likely to be represented in peace and conciliatory forum than women elders. Despite that, this study holds that in some cases traditional methods of conflict mitigation have worked considerably. Khamala study roots for effective (designed to resolve instantaneous crisis) or structured (addressing the genesis of the skirmishes)

¹⁰⁴ Yattan D. Isacko: *Inter-ethnic conflicts between the Gabbra and Dassenetch communities of Marsabit County* (Nairobi: Kenyatta University, 2015); p. 143

¹⁰⁵ Imbuye, B., *Op.cit*, p.136

¹⁰⁶ *Ibid*, p. 136

¹⁰⁷ Lucy Waithaka., *Op.cit*, pp.44-63

methods of conflict resolution in the Bukusu-Sabaot inter-ethnic conflict. Structural approach in particular found out the gender bias in inheritance of resources as well as decisions to either make peace or declare war, which in most cases were the preserve of men.¹⁰⁸ These conflict mitigation interventions were important in analysing the Bukusu-Sabaot inter-ethnic conflict resolution in Mt. Elgon area.

Kakai's study explored traditional methods of inter-ethnic clashes intermediations between the Bukusu and Sabaot which included the use of prophets, eating of a dog, inter-marriage, trade and exchange of circumcisers.¹⁰⁹ These mitigation measures worked for a while and they were important in this study's conflict intervention. The study points out government intervention in the conflict through resolution of the resettlement crisis and infrastructural restructuring of the affected educational facilities and stepping up staffing of teachers in the area. Government intervention was important in this study on Bukusu-Sabaot inter-ethnic conflict, especially on solving the resettlement crisis in Chebyuk area.¹¹⁰

On conflicts intervention, Wasike's study finds that even though police intervention brings tentative solutions but they are not objective and such intervention are inconsistent with other commission and government report findings. This finding was important in this study in the Bukusu-Sabaot land inter-ethnic conflicts.¹¹¹

It is instructive to note that, inter-ethnic land conflicts have drawn immense interest from different disciplines in social sciences and disaster management. Nevertheless, many studies inquired into the inter-ethnic land conflicts have not traced the problem of land

¹⁰⁸ Geoffrey Khamala., *Op.cit*, pp. 54-108

¹⁰⁹ Pius Kakai., *Op.cit*, pp. 78-79

¹¹⁰ Ndiwa, S., *Op.cit*, pp. 47-69

¹¹¹ Geoffrey Wasike., *Op.cit*, pp. 45-71

historically a gap which this study filled, while those done in Mt. Elgon area did not to investigate the historical evolution of the land question in Bukusu-Sabaot inter-ethnic conflict a gap which this study fills.

1.9.7 Identified Gaps

Asamoah uses Nkonya-Alavanyo conflict as a case study of why the conflict persisted for decades despite numerous interventions for resolution, and the effect of the conflict on the communities involved, the study further identifies land as the cause of the conflict because of its economic and heritage value which was important to this study, however, it does not put the problem of land into a historical perspective a gap which this study fills. It summarily, illustrates that; constant reoccurrence of ethnic conflict poses a threat to the peace and stability in Ghana.¹¹²

Asamoah's study does not conceptualize the land conflict on the basis of instrumentalism and constructivist theories, but rather on symbiotic theory which contextualize inter-ethnic conflicts as a traditional/mythical approval against perceived enemies. The land problem is also limited to the Nkonya-Alavanyo communities which leave out the Bukusu and Sabaot of Mt. Elgon area. This helped in understanding the nature of inter-ethnic land conflict in the sub-Saharan Africa and the ineffectiveness factor of the political order to resolve the ethnic conflicts and the far-reaching impact of inter-ethnic conflicts which added value to this work.¹¹³

Arowosegbe's study even if it is important to inter-ethnic land conflicts in Africa in general, it does not trace the land question in the pre-colonial period, colonial period and

¹¹² Asamoah, P.K., *Op.Cit*, p. 5

¹¹³ *Ibid*

post-colonial period a gap which this study filled.¹¹⁴ Also, even though Gillian Mathys *et al.*'s study was instrumental to the present study, it does not probe into the pre-colonial, colonial and post-Colonial land question in the South region a gap which this study filled.

Even if Batware Study was contributory to the development of this study especially on glaring discrepancies in apportionment of land and how these cleavages spark inter-ethnic land conflicts in Rwanda and by extension Mt. Elgon area, it does not project the land problem into the pre-colonial, colonial and post-colonial epochs a gap which this study filled. It also does not probe into how cultural factors like initiation, settled life, burial rites and age set system mate to incubate the expression of inter-ethnic land conflicts a gap which this study filled.

Warurii unravels the underlying aspects that are the main cause the inter-ethnic conflicts in Rumuruti. The study deduces that, poor or limited infrastructural or environmental marginalization makes it difficult for security agents to respond to contingent services. It clearly illustrates that cultural rustling has transformed from a socio-cultural practice to an economic activity escalating the frequency and volume of the conflict. The study even though identifies land as a variable in the conflict; it does not particularly probe into historical evolution of the land question in the pre-colonial, colonial and post-colonial epochs a gap which this filled.

The Imbuye's study also illustrates the coming of Christian Missionaries and colonial masters as another springboard to the intra-ethnic relations in the region. While these aspects were important to this study, they are intra-ethnic based among the Sabaot and does not factor the Bukusu in Mt. Elgon area a gap which this study filled.

¹¹⁴ Arowosegbe, *Op.Cit*, P.13

In as much as it identifies land as the centre of intra-ethnic conflict, it has lacuna about the inter-ethnic viewpoint that largely affects the Bukusu and Sabaot in Mt. Elgon area. Conversely, Imbuye's study was crucial to this work especially on historical development of the land question in Mt. Elgon area, even if it is limited on intra-ethnic perceptive.

Waithaka's study is basically limited to the intra-ethnic conflict as it overlooks the inter-ethnic aspect a gap which this study filled. While the study traces the conflict back into the Age of European Imperialism in Africa and its reverberation by the post-independence regimes as a build-up of the conflict, it does not theorise the land conflict into the instrumentalists and constructivist theories a gap which this study filled.

Khamala's study basically sets to investigate the gender as the cause of the Bukusu-Sabaot inter-ethnic conflict. It has a lacuna on the centrality of land as the cause of the Bukusu-Sabaot inter-ethnic conflict in Mt. Elgon area a gap which this study filled. It also does not enact the conflict on the grounds instrumentalist and constructivist of ethnic conflict but employ the Spivak's subaltern theory gap which this study filled.¹¹⁵

Kakai's study gives emphasis to political structuring and re-structuring of administration entities to the creation ethnic identities. Overtime, external forces like globalisation and democratisation in Kenya especially pluralism have augmented inter-ethnic identities and tensions in Bungoma, Mt. Elgon and Trans Nzoia. This was important to this work especially on the Bukusu and Sabaot relations during the colonial period even though it has a lacuna on how they affected the land question between the Bukusu and Sabaot in Mt. Elgon area, a gap which this study filled.

¹¹⁵ Geoffrey Khamala., *Op.cit*, pp. 54-108

Kakai's study points out ethnicity, cattle rustling and land as the causes of the Bukusu-Sabaot inter-ethnic conflict, whereas it points out land as a factor in the conflict, it does not entirely probe the genesis of the problem in the pre-colonial, colonial and post-colonial epochs a gap which this study filled.

Ndiwa's study highlights land as the cause of the conflict in Chebyuk scheme and particularly its impact on education in Chebyuk; but do not capture land as the cause of the conflict in the wider Mt. Elgon area, it is also subjective to the Sabaot intra-ethnic conflict and gives the Bukusu-Sabaot inter-ethnic land conflict a wide berth a gap which this study filled.¹¹⁶ Expressly, the gravity of this study is irrefutable, the outcome of Mt. Elgon land clashes on education, even though, it did not accommodate the Bukusu-Sabaot inter-ethnic relations, as well it leaves a lacuna in situating the problem of land in a historical viewpoint a gap which this study fills. It also did not factor to draw its conclusion on the instrumentalist and constructivist theories but instead utilised the conflict theory and scarcity theoretical perspective a gap which this study filled.

Wasike's study winds by reinforcing the issue of land as the main cause of the conflict, which was important to this study, but does not chronologically cast the land conflict into historical epochs a gap which this study filled.¹¹⁷ Although, it recognizes effects of the conflicts, the impression is widened at the state level. It also does not to draw its conclusion along the instrumentalist and constructivist theoretical framework because it adopts the conflict system theory. The study devotes more on regional versus neighbouring states effects. It explores the conflict in terms of its effects on the neighbouring states and the East African cohesion.

¹¹⁶ Simon Ndiwa, *Op.Cit.*,pp. 47-69

¹¹⁷ *Ibid.*, pp. 45-71

1.10 Theoretical Framework

This study explored Instrumentalist and Constructivist theories in explaining the manifestation of the Bukusu-Sabaot inter-ethnic land conflict in Mt. Elgon area Since 1850. The two theories complemented each other to give a holistic explanation of the historical expression of the inter-ethnic land conflict between the Bukusu and Sabaot in regard to the specified historical epochs of this study. According to Asamoah, Instrumentalists approach argues that ethnicity is a new form of political mobilization that results in the rational pursuit of individuals and group self-interests at the expense of the others.¹¹⁸

Instrumentalist hold that even if ethnic groups share common cultural aspects, these identities and traits are driven by rent seeking...¹¹⁹ Asamoah further states that, to the instrumentalist, ethnicity is used to gain political leverage, as historical traditions are used only as a means of communicating and exploiting for the benefit of political alignment.¹²⁰

Instrumentalist holds that ethnic conflict does not emerge from differences in ethnic identities directly. Rather it occurs only when ethnic identities are politicised or manipulated to generate political and socio-economic advantages for an ethnic group at the cost of depriving or neglecting other ethnicities.¹²¹

Asamoah further posits that; Instrumentalist inter-ethnic conflicts occur as a result of rent seeking and the material benefits that one achieves in the name of ethnicity than the

¹¹⁸ Asamoah, P.K., *Op.cit*, p. 12

¹¹⁹ *Ibid*, p.11

¹²⁰ *Ibid*

¹²¹ *Ibid*

common traits and identity that characterize ethnicity to gain political leverage over the masses by individual or groups to pursue their parochial interests.¹²²

On the other hand, elite instrumentalist' theorists argue that elites cause inter-ethnic conflicts. That, elites manipulate ethnicity as a point of mobilization in political pursuit of vested interests, while on this point, Khamala opines that ethnicity and ethnic based skirmishes is fanned by elites – a small group within the society's stratified structure – who wields mobilization power in an ethnic group courtesy of the resources they control and their influence of socio-economic dynamics in social setting.¹²³

Instrumentalists' have the ability to expose political and economic cleavages in a society and influence the restructuring of new formations and identities.¹²⁴ Imbuye further asserts that; Instrumentalist associate ethnic identities to social classes. Thus, ethnic groups can unite in political pursuit of their group interests. They posit that ethnic individualities are products of circumstantial forces or elite effect.¹²⁵

While Instrumentalist highlights elite manipulation or politicization of ethnicity as the foundational source of grievances which induce ethnic conflicts, it cannot independently explain why the Bukusu and Sabaot easily, cooperatively and effectively mobilize along ethnic lines during the colonial period. Instrumentalist theory does not explain the social and psychological factors that could lead to conflicts.¹²⁶ However, the theory was instrumental in explaining the Bukusu-Sabaot inter-ethnic land conflicts during the pre-colonial and post-colonial epochs in Mt. Elgon area.

¹²² *Ibid*, p.12

¹²³ Geoffrey Khamala, *op.cit.*, p. 53

¹²⁴ Imbuye, B., *Op.cit*, p.24

¹²⁵ *Ibid*

¹²⁶ *Ibid*

This brings in the constructivists theory, which affirms that ethnicity is an emerging factor in Africa, invented by the colonialists through their colonial policies and activities. The colonial government created structural conflicts through their policies and activities which were geared towards dividing Africans in order to easily conquer them. Khamala says that: “...ethnic phenomenon is an imperialist’s imposed ideology on African societies by colonialists”.

The constructivists’ Hobsbawn, Ranger, Anderson and Horowitz argue that colonial imperialists explored ethnic identities in African societies as a restraining measure, racial prejudice and divisionary stratagem ostensibly to catalyse ethnic differences and water down their collective resistance for effectiveness of colonialism in Africa.¹²⁷

Barth pioneered constructivism by affirming that ethnicity is propelled by social process as opposed to cultural forces depending on situations and not attributed through birth.¹²⁸ Constructivists assume that ethnic identity is pliable and dynamic and not inborn and rigid. Ethnic groups are part and parcel of political and historical process. In this sense, ethnic identities are communally manipulated for the outbreak of ethnic conflicts.¹²⁹ Imbuye asserts that; constructivists exploit the genesis of ethnicity and how it was exploited by colonialists, missionary’s agents and nationalists responsiveness to the later relative to its ability to influence ethnic conflicts.¹³⁰

Constructivist points to the fact that modern ethnicities were a product of colonial activities, which became the rallying point of pre-colonial African ethnicities. Imbuye

¹²⁷ Geoffrey Khamala., *Op.cit*, pp. 53-4

¹²⁸ Andres Wimmer: *The Making and unmasking of Ethnic boundaries : A Multilevel process theory* (Los Angeles: University of California; 2008); p. 972

¹²⁹ Imbuye, B., *Op.cit*, pp.18-19

¹³⁰ *Ibid*, p.18

reinforces that; contemplary ethnicity is a social brain child of colonialism perpetuated through African's multi-ethnic approach in responding to colonialism and its propagation and institutionalisation by the post-independence regimes.¹³¹

Constructivist explain how the Bukusu and Sabaot rallied behind their ethnicity to agitate for the return of their alienated land and resources by the colonialist during colonial period through the structural conflicts they created during the introduction of colonialism in Mt. Elgon area.¹³² However, pre-colonial African societies were a social web of domination and dependence at the behest of patriarchal leadership which constructivism does not affect.¹³³ Ideally, the concept of constructivist unravels the influence of colonialism to the expression of inter-ethnic land conflicts between the Bukusu and Sabaot during the colonial period but practically does not explain pre-colonial and post-colonial ethnic realities, particularly ethnic relations that existed among the Bukusu and Sabaot societies from the dawn of time.¹³⁴

This study therefore, complemented constructivism and instrumentalism theories of ethnic land conflicts, to analyse the historical evolution of the land question in the Bukusu-Sabaot inter-ethnic conflict in Mt. Elgon area between 1850 and 2019.

1.10.1 The application of the study's instrumentalist and constructivist theories

The Bukusu-Sabaot inter-ethnic land conflict in Mt. Elgon area is an age-old conflict that dates back in the pre-colonial period. The conflict phenomenon has since been propagated in the colonial and post-colonial governments. Besides, ethnicity, political machination,

¹³¹ *Ibid*, p. 20

¹³² *Ibid*, p.23

¹³³ *Ibid*

¹³⁴ Geoffrey Khamala., *Op.cit*, p. 54

cultural aspects, gender dimensions, proliferation of Small Arms and Light Weapons (SALWs) have fostered the Bukusu-Sabaot land conflict to unimaginable scale in Mt. Elgon area.

Instrumentalism and Constructivist theories of ethnic conflicts were therefore appropriate in explaining the conflict dimensions between the Bukusu and Sabaot, the later was useful in explaining the structural conflicts created by colonialist in Mt. Elgon area through the structuring and restructuring of colonial boundaries and the general activities of colonial government and Christian missionaries in Mt. Elgon area build up the land question among the Bukusu and Sabaot in Mt. Elgon area, while the former was handy in situating how the Bukusu and Sabaot have weaponised land as a tool of conflict in the pre-colonial and post-colonial periods through cultural factors like age set systems, ethnicity, burial rites, council of elders, circumcision and settled lifestyle, the two theories demonstrates how these factors wedded to incubate the land question among the Bukusu and Sabaot in Mt. Elgon area Since 1850.

1.11 Research Methodology

This subsection, high pointed the research design, research variables, and description of the area of study, sampling techniques and target population. It also designates methods of data collection, data collection procedure, data analysis and ethical considerations which were obligatory in the collection and analysis of data on the development of the land question in the Bukusu-Sabaot inter-ethnic conflict in Mt. Elgon Area Since 1850.

1.11.1 Research Design

Kothari, *et al*, defines research design as an arrangement of conditions for collection and analysis of data in a manner that aims to combine relevance to the research purpose with

economy in procedure.¹³⁵ This study used qualitative research design to assess the relations between the Bukusu-Sabaot throughout the pre-colonial era, examine the Bukusu-Sabaot relations in the colonial age and analyse the land question in the post-independence Bukusu-Sabaot inter-ethnic land conflict.

The design helped to access qualitative data related to research questions and objectives. The selected research design suited this study given the unique nature of historical evidence. The data presented is non-numeric in analysing and interpreting human behaviour in the Bukusu-Sabaot inter-ethnic conflict. The technique was used to describe things and not to their counts or measure.¹³⁶

1.11.2 Research Variables

The study looks at the Bukusu and Sabaot groups as main data of analysis. In this study, they are categorized depending on where they have lived and their inter-ethnic land conflict and inter-ethnic relationship orientations. These differences helped in finding out aspects of the Bukusu-Sabaot inter-ethnic land conflict in the Mt. Elgon area. The land question is the independent variable while the Bukusu-Sabaot inter-ethnic conflict is the dependent variable.

1.11.3 Area of the Study

The study was done in Mt. Elgon sub-county in Bungoma County, Kenya. In a research conducted by Beatrice Imbuye, the area has arable land and enjoys two rainy seasons which are suitable for agriculture. The area is therefore considered as the bread basket in

¹³⁵Kothari, C.R. and Gaurav Garg: *Research Methods: Methods and Techniques*, 3rd Ed. (New Delhi; New Age publishers); p. 1

¹³⁶ B.L Berg and Howard Lune: *Qualitative Research Methods for Social Sciences*, 8th ed. (Boston: Person; 2012); p.3

Kenya; and it also promotes trade between the region and neighbouring Uganda and South Sudan.¹³⁷

Mt. Elgon area is an ecosystem with a Forest reserve and National Park. The forest is one of the five water towers in Kenya in addition to Mt. Kenya, Cherang'ani Hills, Mau Complex forests and Aberdare Ranges. The National park is famous for its caves which are a tourist attraction.¹³⁸

While describing the political representation of the area Beatrice Imbuye aptly puts that since independence, the area has had five Members of Parliament, Daniel Moss (1963-1979) Wilberforce Bomet (2002-2007) Fred Kapondi (2008-2012, 2018 to present) and John Serut (2013 to 2017)¹³⁹

From the finding, it is certain that the political representation of the area has been ethnically influenced with all elected leaders since independence being from the Sabaot ethnic group. An informant account asserts that while the Bukusu are majority in some elective areas, they, through intimidation or under duress elect leaders from the Sabaot.¹⁴⁰ Consequently, these crops of leaders have been instrumental in instigating the Bukusu-Sabaot inter-ethnic conflict as will be discussed in the next chapters.

¹³⁷ Imbuye., B. *Op.cit*, p. 28

¹³⁸ *Ibid*, p. 27

¹³⁹ *Ibid*

¹⁴⁰ Edward Wanyonyi, *Op. cit*

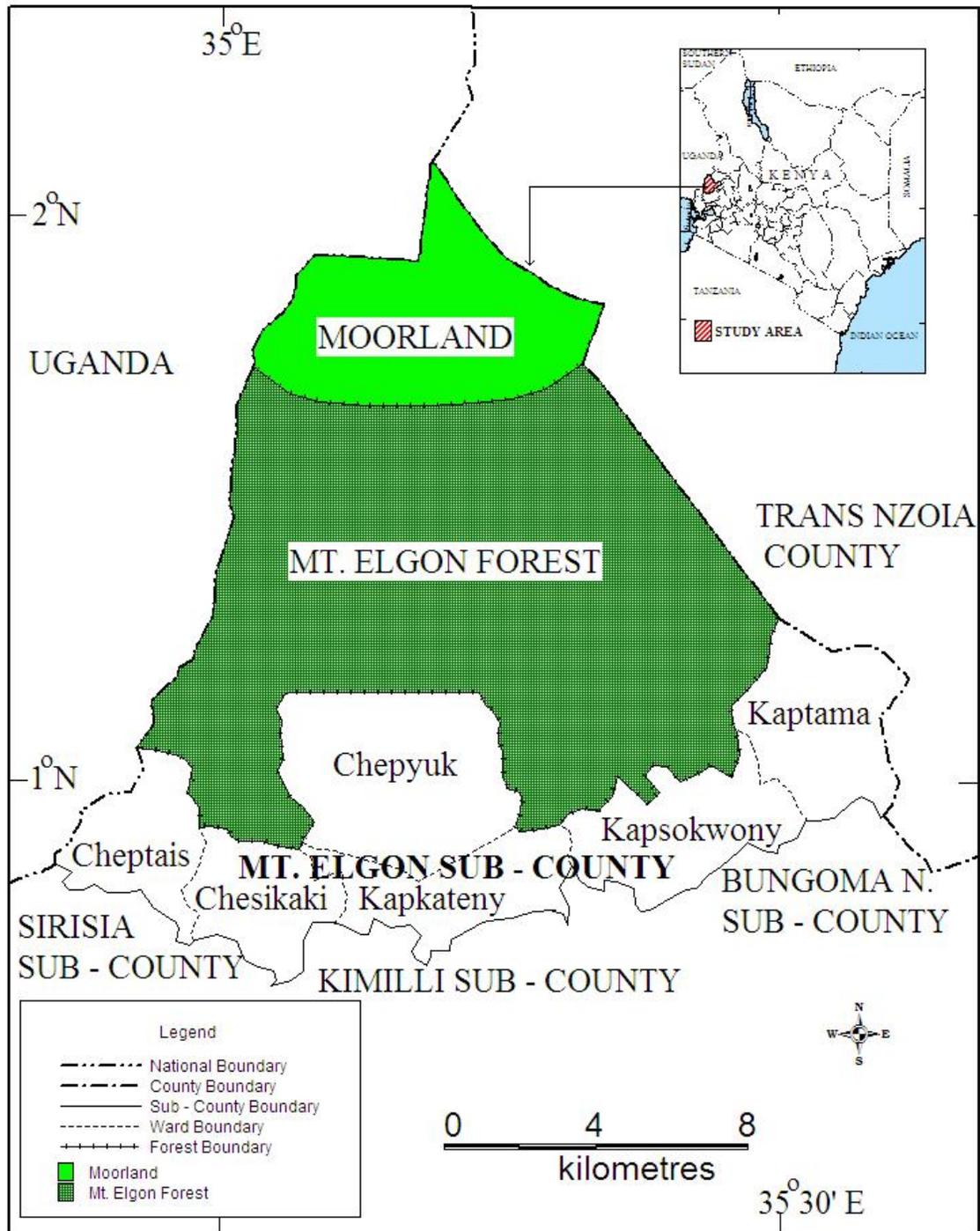


Figure 1.2: Mt. Elgon Sub-county and the contested areas

Source: Moi University Department of Geography GIS Lab

1.11.4 Sampling Technique and Sample Size

The elders, politicians, youths, professionals and government officials were sampled using non-probabilistic sampling technique to ensure they represent the target population. The researcher in cohort with the research associate exploited purposive sampling to identify experienced informants based on the objective of the study. Snow-balling was used in cases where the researcher and the research assistant were referred to more knowledgeable informants.

The sampling process was considerate of the Bukusu and Sabaot living in different divisions in the area. At least eight Bukusu and eight Sabaot were selected from each of the four divisions (Cheptais, Kaptama, Kapsokwony and Kopsiro) of Mt. Elgon area in a Focus Discussion Groups. Because the study is historical, gender representation and age of informants was also a key factor when selecting participants. Since patriarchy is prominent in both the Bukusu and Sabaot, more males than females were represented. At least, sixty four respondents were selected as a sample of the target population.

1.11.5 Primary Data

Through field research, the study generated primary data using oral and written interviews. Archival information (Annual Reports, handing over reports and administrative reports) were accessed from the Kenya National Archives. Some of the official government reports were accessed from the Government Printer. Questionnaires were administered to various categories of respondents. The use of questionnaires as an instrument of data collection was appropriate for the geographically expansive area of Mt. Elgon. Oral interviews of purposively identified respondents saved on time. These instruments were valid in that

they tested what they were intended to test as guided by the research objectives, questions, and the theoretical framework.

1.11.6 Secondary Data

In the study, secondary data was collected from sources that included hospital records of patients admitted to the hospital as inter-ethnic conflicts victims of Mt. Elgon Sub-county Since 1850. The method involved the search of information in records, published books, journals, maps, dissertation, newspapers as well as available government policy document.

1.11.7 Data Collection Instruments

Interview schedules and open-ended questionnaires were used to collect data for the study. The researcher used pens, notebooks and a tape recorder to record respondents' accounts. The study also used face-to-face interviews with politicians, youth, religious and government officials in the area.

1.11.8 Data Collection Procedures

Respondents were briefed on the confidentiality of the information and were free to give their versions as directed by the researcher. Information was collected through observation, questionnaires and interviewing the respondents. Caution was applied to ensure Bukusu and Sabaot in different divisions of Mt. Elgon area are interviewed while considering gender representation.

Primary data was collected using the two tools that were administered to the key informants. The participants were drawn from the divisions among the women leaders, youth leaders, community elders, government officials, security officers, and professionals.

Secondary data was sourced from different libraries of; Masinde Muliro University of Science and Technology, Kibabii University and Kenya National Libraries in Kakamega and Kimilili. Personal libraries and internet searches was also included in sourcing the data that was unavailable in the written sources. Accuracy was considered by relating primary and secondary data, inaccurate data was discarded.

Interviews and questionnaires were guided by open ended written questions according to the study objectives. Oral interviews were substituted with telephone interviews with informants who were not reachable physically. Non-probabilistic sampling technique was used to get reliable informants, in cases of referrals by the informants to a more knowledgeable informant, snow ball sampling was used to include to respondents who had not be identified.

1.11.9 Data Analysis

Data was analysed thematically based on the study objectives and questions as follows;

Tape-recorded data from the oral interviews about the Bukusu-Sabaot conflict was translated from the local dialects to English. Data from the interviews and questionnaires with information that did not align with the objectives was harmonized.

Contradicting answers were verified and analysed according to the study's objectives.

Ambiguous answers were categorized and interpreted basing on the study's objectives.

Collected data from both the primary and secondary sources were compiled, analysed according to their historical periods by the researcher and researcher's contributions were incorporated.

1.12 Ethical Considerations

The researcher sought written permission from the National Commission for Science, Technology and Innovation (NACOSTI), Masinde Muliro University of Science and Technology. The nature and the basis for the study were explained to the respondents by the researcher. The researcher respected the individuals' rights and safeguarded their personal views. The participants were not obligated to write their names on the questionnaire, but each questionnaire was given a code number for reference, hence the secrecy of the respondents was maintained. The participants were guaranteed information confidentiality and informed of the academic purpose of the study. They were assured of their rights and freedom to pull out from the study at any point or time without consequences.

1.13 Conclusion

This chapter has illustrated the significance of this study in its intent and purpose. It has further characterized the logistics involved in writing this study. The chapter is a foundation of the ensuing chapter two, three, four and five. Chapter two undertook a historical and geographical background of Mt. Elgon area, the people of the study area, the socio-political and economic relations of the Bukusu and Sabaot during the pre-colonial period and the land question in Mt. Elgon area during the pre-colonial period in establishing how these factors entwined to build up the land question between the Bukusu and Sabaot during the pre-colonial period. Chapter three argued the impact of the advent of colonialism in the land question in Mt. Elgon area, the colonial administration in Mt. Elgon area, the colonial land policies and their impact in Mt. Elgon area, Christianity and its impact on the Bukusu-Sabaot relations, rise of schools, decolonization and its impact on

the Bukusu-Sabaot relations in Mt. Elgon area by authenticating how these factors matted to build up the land question between the Bukusu and Sabaots in Mt. Elgon area during the colonial period. Chapter four high spotted the post-colonial land question in Mt. Elgon area, ethnicity, government policies, gender dimensions, political factors and infiltration of small arms and light weapons by explicating how they entangled to incubate the post-independence Bukusu-Sabaot inter-ethnic conflicts in Mt. Elgon area. The chapter also discussed religious and traditional methods of intervention in the conflict and the effects of the Bukusu-Sabaot inter-ethnic land conflicts in Mt. Elgon area. Chapter five presented the summary of findings, conclusion and recommendations of this study.

This chapter therefore served as the foundation of the next chapter and other preceding chapters in this study. The next chapter is built on this chapter, hence justifying its indispensability.

CHAPTER TWO
THE LAND QUESTION IN THE BUKUSU-SABAOT INTER-ETHNIC
RELATIONS DURING THE PRE-COLONIAL PERIOD

2.1 Introduction

This chapter underscores the historical and geographical background of Mt. Elgon area, in situating how these history and geography inter-twin in the expression of the Bukusu-Sabaot inter-ethnic conflict. The study by Imbuye mentions that, there exists very close link between history and geography, the relationship is dependent on the fact that the two disciplines represent two important dimensions of the same phenomena.¹⁴¹ The history and geography of these ethnic communities were arguably significant in understanding the genesis of the land phenomenon that triggers conflicts between them. The chapter draws attention to the people of the study area ostensibly to give their background; it also gives details of the Bukusu-Sabaot socio-political and economic relations that incubated cross fertilisation of ideas and their place in the expression of the land question between the Bukusu and Sabaot in Mt. Elgon area. The chapter elucidates the land question and production forces in Kenya and Mt. Elgon area during the pre-colonial period and how these factors are interwoven in the manifestation of the Bukusu-Sabaot inter-ethnic land conflicts in Mt. Elgon area.

2.2 Historical and Geographical Background

The following section presents the historical and geographical backdrop of the study area. It gives a picture of the relations between the Bukusu and the Sabaot in the pre-colonial

¹⁴¹ Imbuye, B., *Op.cit*, p. 34.

period and how these relations matted to incubate the land question in the Bukusu-Sabaot inter-ethnic conflicts in Mt. Elgon area.

2.2.1 Physical, Climate and Natural resources

Mt. Elgon is named after Kony squats and is inhabited mainly by the Bukusu, Sabaot and the Teso. Its natural caves give a scenic tourism prospect, and are also an ecosystem, a water catchment area and a game reserve. The mountain is a source of several rivers that include; Suam, Terem, Sosio, Kisawoi, Kibisi, Kuywa, Kimilili, Lagok, Malakisi, Kikai and Kapkateny.¹⁴²

Beatrice Imbuye noted that;

An explorer Joseph Thompson after touring Mt. Elgon discovered that the caves were homes for the native Kony and named the region Elgon (El Kony). The mountains serve as an ecosystem, water tower, game reserve and a compass point for North-Western part of Kenya. It is an extinct volcano, formed about fifteen million years ago. It has a diameter of about fifty miles and rises from about fourteen hundred millimetres to about Four thousand three hundred and ten metres altitude. It is located on the north of Lake Victoria.¹⁴³

A row on who originally tenanted the mountain has been inevitable, especially after Joseph Thomson ignited it by naming the mountain after the Kony, who are a subset of the Sabaot. Most of the Sabaot informant intimated that Mt. Elgon is named after the Kony – a Sabaot clan. This gives them the validity of occupancy.¹⁴⁴ Bukusu informants on the other hand, insist that the mountain was initially Mt. Masaba, in honour of their ancestor, authenticating their earliest inhabitancy.¹⁴⁵ Besides, the Bukusu-Sabaot inter-ethnic contest

¹⁴² Wanguhu, N. : *Kenyan Ethnic communities Foundation of the Nation* (Nairobi: Gatundu publishers; 2006); p. 8

¹⁴³ Imbuye, B., *Op.cit*, p. 40

¹⁴⁴ Simon Ngeywa, (Former Hunter in Kaptama), interviewed at Kaptama on 9/3/2019

¹⁴⁵ John Musee, (Farmer in Cheptais), interviewed at Cheptais on 27/2/2019

to control land, anchored on this study's theory of instrumentalism has been informed by the foregoing.

Mt. Elgon area in Kenya is on the windward side of the mountain. For this reason, the area receives an unswerving rainfall of between 300mm and 350mm to 1800mm, with a breezy temperature ranging between fourteen and twenty-eight Celsius degrees.¹⁴⁶ This makes the area to be one of Kenya's food baskets for its agronomic trajectory. Pius Kakai explicates the soil topology as red soil, alpine Meadow soil on the ridges, and brown loamy soil on the lower altitudes. Kakai further states that; "...Soils are of dark red friable clays and sand clay loams which alternate with stony soils on higher ridges."¹⁴⁷

This is also reflected by Ominde who reiterates that the foot hills of Mt. Elgon have friable clay soils with a deep humid top soil.¹⁴⁸ The fertility of the soil inter-twined with the reliable rainfall favours the growth of onions, tomatoes, cabbages, maize, beans and water melon. This arability potential makes the land in the area vital and a contested resource.

This is the mode of production in the area. Informants across the ethnic divide confirmed the essence of controlling land in Mt. Elgon area, making it a hotly disputed resource that have plunged the two communities into an age-old crisis. In addition, the topography of the area has been significant in the Bukusu-Sabaot inter-ethnic conflicts. The terrain of the land makes security contingent to unsuccessful respond to distress call.¹⁴⁹ The historiography of this area, like that of Africa has been susceptible to euro-centric views, this intrusion has presented myriad conflicting misconceptions that, even though, have

¹⁴⁶ Wangahu, N., *Op.cit*, p. 8

¹⁴⁷ Kakai, P., *Op.cit*, p. 49.

¹⁴⁸ S.H. Ominde: *Land and population in Western district of Nyanza province*, (London: University of London; PhD thesis, 1963); pp. 77-78

¹⁴⁹ Felix Kiprop, (*Retired police officer from Kopsiro*) interviewed at Kopsiro on 30/2/2019

been debunked but remain the genesis of ethnic-based clashes in the area. An informant account reiterates that the naming of Mt. Elgon after the Kony sparked controversy especially among the Bukusu who felt disgruntled given they had a native name for the Mountain as Mt. Masaba, named after their ancestor. This dispute has been at the centre of the Bukusu-Sabaot inter-ethnic conflict in Mt. Elgon area.¹⁵⁰

Pius Kakai narrates on whether the existence of the caves in Mt. Elgon area implicitly confirms an Egyptian influence. It is explained that, in 1890, Jackson Ernest Gedge, Dr. Archibald D. Mackinnon and James Martin unanimously validated the local narratives regarding the origin of the caves. They disputed Thomson's earlier assertion attributing the caves existence to the Egyptians. They reiterated that; "...the caves were natural recesses formed by the erosive effects of underground water at the time when cave sites were buried under volume material discharged by mountain."¹⁵¹

This brings in this study theory of constructivism, which maintains that ethnicity is the latest creation in Africa through the activities of colonialists and missionaries. An explorer, Joseph Thomson ignited a land dispute in Mt. Elgon area after naming the mountain after the Kony.¹⁵² This proposition has since given the Sabaot audacity to claim that Mt. Elgon area is their ethno-territory while the Bukusu dispute this by inferring to their initial name Mt. Masaba. These viewpoints have instrumentally contributed to the Bukusu-Sabaot inter-ethnic land conflict in Mt. Elgon area.

¹⁵⁰ John Wafula, (*A Social worker from Cheptais*), interviewed at Cheptais on 26/2/2019

¹⁵¹ Kakai, P., *Op.cit*, pp. 46-7

¹⁵² *Ibid*, p.49

2.3 The People of the Study Area

The following section presents the ethnic groups inhabiting the study area (Bukusu and Sabaot, respectively).

2.3.1 The Bukusu

Bukusu is one of the many Luhya sub-tribes peopling the defunct Western Province in Kenya. The other sub tribes include; the *Banyore*, *Batiriki*, *Banyala*, *Batachoni*, *Bawanga*, *Bamarama*, *Bakisa*, *Banyang'ori*, *Bamaragoli*, *Bamarachi*, *Bakhayo*, *Baisukha*, *Basamia*, *Batsotso* and the *Bakabras*. Their population concentration extends across four counties; Bungoma, Trans Nzoia Vihiga and Kakamega.

According to Makila, at certain point in time, *Babukusu* were referred to as '*Kitosh*' a name they emphasize as an inaccurate term. The presumption is that the Bukusu acquired the pseudonym '*ketosh*' – our enemies – owing to their brutal and confrontational fights with their Kalenjin neighbours.¹⁵³ An informant's account confirmed that; the name *Ketosh/Kitosh* is derived from the Kalenjin neighbours who include the Sabaot. They named the Bukusu *Ketosh/Kitosh* from their accounts of warfare between the Bukusu and the Sabaot (Kalenjins).¹⁵⁴

The origin of the word Bukusu is expounded by Pius Kakai and Simiyu giving an initial picture of the Bukusu as traders in the pre-colonial epoch.¹⁵⁵ Kakai in particular writes;

...*Bukusu* is derived from a nickname previously given to a section of *Bukusu* ancestors then known as *Banabayi* (people of Embayi). The *Banabayi* entrepreneurs used *Butiru* hills as bases from which they traded their merchandise up to shores of Lake Victoria (*Enyanja ya Walule*). *Banabayi* exchanged

¹⁵³F. E. Makila, *Op. cit.*, p. 31

¹⁵⁴ Agness Masai, (a student from Kopsiro) interviewed at Kopsiro on 20/2/2019

¹⁵⁵ V. G Simiyu: *The Emergency of a Sub-Nation: A History of Bukusu to 1900' in ed.* (Nairobi: Were press; 1991); pp. 7-11

iron products for other items at a low price-other Luhya Speaking groups began to refer to these traders as ‘*Babandu bebukusi*’ meaning the people of trade, *Bukusi* was later corrupted to *Bukusu*.¹⁵⁶

But, another version by Makila sparks controversy; it fronts that the Bukusu are closely associated with the *Bakisu* of Uganda. This corollary spurs debates as whether the Bukusu are Luhyas or not. Oral tradition has it that both Bukusu and *Bakisu* are the sons of Masaba. Makila adds that; what is clear to *Babukusu* and *Bamasaaba* is that the ethnonyms *Bakisu* and *Bamasaaba* refer to one and the same people. The founding ancestor of *Bamasaaba* was Mukisu son of Masaba and *Babukusu* was *Mubukusu* son of Masaba.¹⁵⁷

This study however, holds that *Babukusu* are the progenies of *Mubukusu* the brother to *Mukisu* and the son to *Masaba*. The study also holds that the Bukusu is a sub-ethnic group of the Luhya who inhabit Western Kenya.

Most scholars agree the Luhya originated from ‘*Misri*’ even though it has been debatable. This study therefore, holds that most of the Abaluhya followed the course of Nile during their migration to a place vaguely referred by Afro-centric scholars as *Misri*; at this point is when *Bamasaaba* (Bukusu and Bakisu) hived off from other Abaluhya.

An additional misapprehension is that the Bukusu are of the Nilotic origin. The ‘thigh of an Elephant’ *lirango lienjofu*, used to mean a common descent and unanimity of the six main clusters of the Bukusu is misapprehended by some scholars who associate the Bukusu with the Kalenjin. The Kalenjin oral tradition has that the community originated from the thigh of an Elephant. The six clan cluster of the Bukusu consist of *Basilikwa*, *Bamalaba*, *Banabayi*, *Baneala* and *Bakikayi*. It is also misconceived that the Bukusu are of

¹⁵⁶ Pius Kakai, *Op.cit.*, p. 54

¹⁵⁷ Makila, F.E. *Op.cit.*, p.46-7

Silikwa origin. Makila elaborates that; *Silikwa* was one of the sons of *Mubukusu*, who founded settlements in fertile highlands which were named after him [*Silikwa*].¹⁵⁸

However, it should not escape our attention to probe the surmise that some of the six clan clusters of the Bukusu were as a result of inter-marriage between the Bukusu and the Kalenjin. It will seem probable that while living at *Silikwa* (Uasin Gishu plateau), a section of the Bukusu inter-married with Kalenjin giving rise to the *Silikwa* people who were later assimilated by both the Bukusu and the Kalenjin.¹⁵⁹ Makila adds that; it was at *Lelekwe* where *Babukusu* broke off into two clusters, *Babayi Basilikwa* and *Babayi Basengeli*. From *Lelekwe*, the *Babayi Sengeli* took the *Sengeli* (Cherang'ani) then to *Embayi*, whereas, *Babayi Basilikwa* headed to *Lukulu Iwa Masaba* –Mt. Elgon.¹⁶⁰

This may justify the *Silikwa* anecdote in Mt. Elgon area. It is also worth noting that this settlement was displaced by Kalenjin invasion but it is likely some of the *Babayi Basilikwa* remained in the area.¹⁶¹

2.3.2 Bukusu Origin

This study recapitulates that the Bukusu is a dialect of the Abaluhya and a proto-Bantu. They originated from the area between Western Cameroon and Congo forest, [an area from which the proto-Bantu detached in groups]. This diffusion of the proto-Bantu thus connects with Misri theory which is emphasised by Morgan, W.T.W., who writes;

Possibly originating as a group in eastern West Africa, north of the Congo forest, possessing a knowledge of iron smelting and cereal agriculture, they could have penetrated

¹⁵⁸ *Ibid*, p. 55

¹⁵⁹ S. Wandibba: *Notes on the Oral History of the Abatachoni* (Nairobi: Staff Seminar notes at National Museum; 1983); p. 29

¹⁶⁰ Makila, F.E., *Op.cit*, p. 56

¹⁶¹ *Ibid*, pp. 48-156

southwards through the forest, into the region of north Katanga, where it appears from linguistic evidence that they multiplied...a movement of one group northwards brought them into East Africa. Evidence from different social structures would seem to suggest that one group came from south-west of Lake Victoria and became ancestors of the Bantu West and Central Tanganyika...another group peopled Western Uganda leaving behind those who were ruled by the Chwezi clans, and pushed on into Western Kenya. Some dispersed into north-east Tanganyika while others pressed along the coast to the famous traditional dispersal area, somewhere between Tana and Juba, called Shungwaya.¹⁶²

Conversely, this study cannot dispute 'contemplary history' advanced by Croce. In light of revisionism and presentism, tools of analysis and values correspondingly may vary with time affecting historical interpretation on the origin of the Bukusu.¹⁶³

2.3.3 Migration and Settlement of the Bukusu

The following section traces the historical explanations of the communities under study.

Betwell Ogot uses the occupational approach to analyse the migration and settlement of the East African communities. He argues that;

Before the agriculturalists arrived in East Africa, the area had been inhabited for thousands of years by the food gatherers and hunters...agriculturalists gradually drove their predecessors into small pockets on the mountain and into drier areas, they included the Gumba, Ndorobo and Wasanya. Some were annihilated...but before the European advent this Bantu world was invaded from within...they were invaded by the Bahima and Bachwezi from southern Ethiopia.¹⁶⁴

The above explains the nature of migration in the study area and in the East Africa region in general. Most often the agriculturalists were vulnerable and were forced by the

¹⁶² Morgan W.T.W.; *East Africa: Its people and resources* (Nairobi: Oxford university press; 1972); pp. 16-22

¹⁶³ Carr, E.H.: *What is History* (New York: Vintage books; 1961); p.22

¹⁶⁴ Bethwell A. Ogot: *Emerging Themes of African History: The Role of the pastoralists and agriculturalist in African History; the case of East Africa*, edited by T.O. Ranger (University of East Africa: East African publishing House: 1968); pp. 126-8

pastoralists to move from one point to the next. This context brings in this study theory of instrumentalists which not only argues that ethnicity is the work of elites but also as a group interests who manipulate ethnicity to gain certain vested interests. Ideally, the agriculturalist would move the food hunters and gatherers to control land for cultivation as their means of production. Subsequently, the agriculturists hardly survived the pastoralist incursions driving them away ostensibly to control land as their means of production, most feasible as their grazing field.

This study asserts that the Bukusu as a sub-group of the Abaluhya and the proto-Bantu in general, trace their origin to the region between West Cameroon and Congo forest. The art of iron smelting and cereal agriculture enabled them to penetrate southwards through the forest.¹⁶⁵

They moved southwards to a dispersal area in Western Uganda. The Bukusu and other Abaluhya are said to have taken the northern direction to Lake Albert and later followed River Nile to the swathes of the present day Egypt where their movement was thwarted by the light skin people believed to be the Hamites of Ethiopia or Egypt.¹⁶⁶

Makila corroborates the Egypt possibility in the statement that; *Mundus* forebears lived in an area which is now only remembered as *Ebisakala*. By description *Ebisakala* appears to have been somewhere in northern Sudan, or southern reaches of the present day Egypt. It was an open field with few trees. The soil was fertile and *Mundu* (Babayi) prospered in both farming and cattle breeding.¹⁶⁷

¹⁶⁵ Morgan, W.T.W., *Op.cit*, p. 16

¹⁶⁶ Wanguhu Ng'ang'a., *Op.cit*, p.11

¹⁶⁷ Makila, F.E. *Op.cit.*, p. 135

Most scholars have the same opinion that; from *Misri*, the Bukusu moved to *Esirende* this area should be the Savannah area of South Sudan. They were disturbed by the *Nabibia* (the Ethiopians) and were sporadically raided by *Barwa* (Hamitic). In substantiating the Misri theory, the Bukusu called Lake Turkana *Nabibia* (the Lake of iron people). They moved to *Nabiswa* (land of anthills), but its proximity to *Esirende* exposed them to the *Nabibia* who raided their cattle. [*Nabiswa* should be Lokitau'ng].¹⁶⁸ They again moved to *Sengeli* (Cherang'ani) here they flourished in their iron smelting. The area was littered with vitreous reeking waste (*Kamasengeli*), (Maasai) *Barwa Bakinusu* were very useful in their trade. From here they moved to an area around Webuye formerly Broderick falls (*Lelekwe*) around Matili. They lived with (Maasai) *Barwa Bakinisu* who attacked them occasionally.

According to Makila's study, it is interesting to note that when *Babukusu* migrated into present day Kimilili location at the end of the 19th century, they found again similar structures erected by *Barwa Bakinisu* and *Bakoyonjo*. They too tried to erect such structures and dropped big huts but *Barwa Bakinisu* attacked them frequently. The Bukusu got reinforcement from the *Bamasaba* who helped them drive *Barwa Bakinusu* to Namalo.¹⁶⁹

From *Lelekwe* the Bukusu moved to *Silikwa* (the areas around the Uasin Gishu plateau), where they build forts. From their account, it was a flourishing settlement. At *Silikwa*, they fought with *Bakinisu*, *Balekamasya*, *Bamerere*, *Bakwabi* and *Baburuku*. From here they retraced back to Cherang'ani (*Sengeli*) and Webuye (*Lelekwe*) and to Embayi (Mbale) while another fragment settled around *Lukulu lwa Masaba* (Mt. Elgon). Bukusu wandered

¹⁶⁸ Were, G. S.: *A History of the Abaluyia of Western Kenya 1500-1930*, (Nairobi: East African Publishers; 1967a); p. 43

¹⁶⁹ Makila, F.E. *Op.cit.*, pp.136-9

around the stretch on the eastern Uganda near the Kenya-Ugandan border around *Samoya* (Jinja). They later moved to Malakisi (*Mwalie*) and to Amukura (*Ebwayi*). *Mwalie* is believed to be Malakisi area in Kenya while *Ebwayi* is the area around Amukura in Teso district in Kenya.¹⁷⁰

From the foregoing after *Nabiswa*, the Bukusu fugitives fled to the inter-lacustrine area of between the present day eastern Kenya and eastern Uganda through Mt. Elgon. At some point they moved to modern Uasin Gishu plateau but were repulsed by the Maasai retracing back to eastern Uganda before finally settling in western Kenya at the advent of colonial administration in Western Kenya.¹⁷¹ These areas include *Tabasya* (Eastern Uganda), Embayi (Mbale) where they co-existed peacefully with *Basebeyi Bakinisu* (Elgon Maasai), *Bakisila* (Karamajong), *Bamarehe* (Turkana) and *Bakanulyungu* (Suk).

Makila accounts for the last migration and settlement pattern of the Bukusu in the 20th century as recorded in the following extract;

European infiltration into Bukusu territory led to a big clash and fighting raged on at *Lukoba Iwa Lumboka* (Lumboka Fort), under the military leadership of Wakoli, an *Omuyemba* by clan. At first European and their allies suffered several defeats. When due to the use of modern weapons Europeans succeeded in subjugating the defenders of (Lumboka around 1894) Bukusu fled to *Silikwa, Namarare, Kamutiong'o, Teremi, Bokoli, Nalondo, Kibichori, Kabuchai, Mautuma, Naitiri, Muyayi, Mwikhupo, Siboti, Kamukuywa, Ndibisi and Nakalila*.¹⁷²

The establishment of colonial rule in Mt. Elgon area brought to an end migration and settlement of both the Bukusu and Sabaot in Mt. Elgon area. These points out the

¹⁷⁰ Wandibba, S. *Op.cit.*, p.29

¹⁷¹ Were, G. S.: *Western Kenya historical Texts: Abaluyia, Teso and Elgon Kalenjini*, (Nairobi: Gideon Were Press 1967b);p .84

¹⁷² Makila, F.E., *Op.cit*, pp. 157-161

practicality of this study theory of constructivism. Colonial activities further created ethnic identities between the Bukusu and Sabaot through colonial land policies which will be discussed in the next chapter.

2.3.4 The Misri theory

Most 20th and 21st centuries scholars agree that the original home land of the Bukusu, just as the other Abaluhya, is ‘*Misri*’. Still, they fail to agree on the exact location of ‘*Misri*’. Wanguhu implies *Misri* to be the present day Ethiopia, whereas Were, in his study points to the ex-Meroe empire of the present day Egypt. They rely on the oral tradition of the Bukusu and most of the other Abaluhya dialects that espouse ‘*Misri*’ origin allegory.¹⁷³

To validate the *Misri* theory, Wanguhu illustrates the movement of Bukusu and other related groups northwards along River Nile towards Misri from Congo, eventually before moving southwards into Kenya through Lake Turkana; Wanguhu perceives that; from the account of the Gusii and many Luhya clans, it would appear that when the Proto-Bantu Migrants reached the Lake Albert area some attempted to follow the River Nile, northwards. They also appear to have come into ‘light skinned folk’ who altered their course of their migration.¹⁷⁴

Makila corroborates the Egypt possibility in the statement that; *Mundus* forebears lived in an area which is now only remembered as *Ebisakala*. By description, *Ebisakala* appears to have been somewhere in northern Sudan, or southern reaches of the present day Egypt. It

¹⁷³ Wanguhu, N., *Op.cit*, p.11

¹⁷⁴ *Ibid*

was an open field with few trees. The soil was fertile and *Mundu* (Babayi) prospered in both farming and cattle breeding.¹⁷⁵

From the preceding, it is clear that the Bukusu and other related group took the northern turn around Lake Albert and trekked to ‘Misri’, the present day Egypt where they encountered the Arabs who thwarted their course of migration northwards. This study therefore affirms that the original homeland of the Bukusu is between Western Cameroon and Congo forest.¹⁷⁶

2.4. The Sabaot

Sabaot is a contentious name; it is indistinct whether the name was adopted for political cause, or it was taken up by the Kenya National Bureau of Statistics (KNBS) for census purposes. The name Sabaot first came into use in 1990’s casting into doubt the community in question’s origin. The Sabaot origin has been muddled with fallacies that have been debunked in this study, they have been linked with the *Sirikwa, Maasai and Bungomek* and *Kony* ancestry.¹⁷⁷

In addition, the names *Mosop, Ogiek, Ndorobo* and *Soy* may be confusing. *Mosop* is used to categorize the people living in the moorland areas; while *Soy* is used to classify people living on the slopes of Mt. Elgon as such both do not denote a subset of the Sabaot. *Ogiek* and *Ndorobo* are used to refer to the *Mosopisek*. An additional presupposition is that the *Bok* is of the Pokot origin and the *Kony* are of the *Silikwa* origin.

¹⁷⁵ Makila, F.E. *Op.cit.*, p. 135

¹⁷⁶ *Ibid*

¹⁷⁷ *Abiud Simiyu, (A farmer from Kaptama) interviewed at Kaptama on 18/2/2019*

Mt. Elgon being a dispersal point for many Kalenjin sub-ethnic groups in Kenya, this study can not dispute the possibilities of the Maasai and the Pokot remnants in the area. Maasai lived around Broderick falls or *Lelekwe* around *Matili*. They also bordered Uasin Gishu plateau (*Silikwa*). Thus, it is likely that their faction may have made their way to Mt. Elgon area. The traceability of their assimilation is highly conceivable.¹⁷⁸

Were, E.M. and Amutabi, M.N. shares this view in the claim that; the Sabaot have undergone several metamorphoses as an ethnic component to reflect emerging political realities as sheer national expediency. Formerly, the Elgon Maasai and earlier the Bungomek, the Sabaots as they are now known since 1990 are an emergent factor in Kenya's nationalism character.¹⁷⁹

There exists a basis confirming the descent of the Kony to Mt. Elgon. This version alludes that King'oo and Tamunae his wife are the patriarch and matriarch of the Kony people. Together, they bore the subsets of the Sabaot. However, Bungomek on their part entered into Mt. Elgon area through unclear on the border point between Kenya and Uganda. Some Bungomek are still in Bukusuland.¹⁸⁰ As if to concur with this, Kakai noted that, Sabaot are a subset of the Kalenjin variously referred to as 'Kapkugo' by the larger Kalenjin. Sabaot sub-tribes include; The *Pok*, *Somek*, *Mosopisek*, *Kony*, *Bungomek* and *Sabiny* (Sebei).¹⁸¹

To this end, the present research contends that the Sabaot are a sub-ethnic of the Kalenjin, and encompasses the following sub-groups; Kony, Bok, Bungomek, Samoek and the

¹⁷⁸ Kakai, P., *Op.cit*, pp. 60-62

¹⁷⁹Were, E.M. and Amutabi, M.N: *Nationalism and Democracy: For people Centred Development in Africa* (Eldoret: Moi University press; 2000). P. 20

¹⁸⁰ Ominde, S.H., *Op.cit*, p. 99

¹⁸¹ Were and Amutabi., *Op.cit*, p. 20.

Mosopisek. Though, Sabaot sub-tribes settled in Mt. Elgon area at different time and place.¹⁸²

2.4.1 The Nilo-Hamitic theory

This sub-section presents a theoretical analysis of the Sabaot as a Nilo-Hamitic category as well as their historical origin. Sabaot as a dialect of the Kalenjin was closely connected to the Nilo-Hamitic theory. The pastoralists that populate south-eastern Sudan, eastern Uganda, western Kenya, and northern Tanganyika have been commonly referred to as the 'Nilo-Hamites' or half-Hamites. The argument is that they demonstrate traces of the Hamitic influence in language and civilization.¹⁸³ Bethwell A. Ogot writes; the early migration waves of the Nilo-Hamites represented by the Nandi, the Kipsigis and other related people, and by the Maasai, had already reached the Kenya highlands by the middle of the 16th century from the Turkana basin.¹⁸⁴

This study, however, refutes the Nilo-Hamitic theory and argues in the strict sense that, while Nilotes and Hamites cross cultural interaction flourished throughout the migration period

and settlement, it is fallacious to generalize Nilotes as Nilo-Hamites. Nilo-Hamites should be the product of the inter-marriage between the Nilotes and Hamites. This study strongly puts forward the existence of the original Nilotes. More to the point, Euro-centric

¹⁸² Kipkorir, B.E: *The Marakwet of Kenya* (Nairobi: East African Literature Bureau; 1973); p.73

¹⁸³ Huntingford G.W.B: *The Northern Nilo Hamites: East Africa part VI*, (New York: Routledge, Taylor & Taylor Group; 1968); p. 14

¹⁸⁴ Bethwell A. Ogot., *Op.cit*, p. 130

observations as debunked in 1960's may have influenced the categorization of the Nilotes as the Nilo-Hamites.¹⁸⁵

Makila while validating that African historiography is dotted with Eurocentric views asserts that; ...black Africans south of the Sahara must be aware of the manoeuvres and antics of imperialism. For a long time, a pink man has used history as a medium of downgrading and denigrating, the Blackman's contribution to universal culture...¹⁸⁶

The Nilo-Hamitic theory may have therefore sprung from the controversial Hamitic hypothesis advanced by C.G. Seligman in his book, *The Races of Africa*. In the book, he disputed that the Negro race south of the Saharan were a static agricultural society and every invention in metal; complex social structure and irrigation technology was introduced to them by the Hamites. However, this is inadmissible because even the agriculturalist Bantu had the idea of livestock keeping, metal work and developed social structure before blending with the Nilotes.¹⁸⁷

Keith confirms this where it is noted that, according to the Hamitic theory, this 'Hamitic race' was superior to or more advanced than the Negroid population of sub-Saharan Africa...all achievements in African society were the work of Hamites who migrated into central Africa as pastoralists, bringing new customs, languages, technologies and administrative skills with them.¹⁸⁸

This study holds that Sabaot are a dialect of the highland Nilotes who are a sub-section of the Nilotes, and are traditionally pastoralists but adopted cereal agriculture when rinderpest

¹⁸⁵ Mwanzi H.A: *A History of the Kipsigis* (Nairobi: Kenya Literature Bureau; 1982); p.167

¹⁸⁶ Makila, F.E., *Op.cit.* p. 2

¹⁸⁷ Morgan, W.T.W., *Op.cit.*, p.16

¹⁸⁸ Allan, Keith: *The Oxford Handbook of the History of Linguistics* (OUP Oxford; 2013); p. 275

invasion destroyed their livestock and were influenced by their Bukusu neighbour in the half of the 20th century.

2.4.2 Origin of the Sabaot

The Sabaot origin is one more fascinating story jumbled in controversy. Sabaot as a subset of the Kalenjin or the highland Nilotes trace their origin to the area vaguely referred to as the Turkana basin, north-west of Lake Turkana, or Mt. *Kamalinga* about forty-five miles North West of Mount Elgon. Nonetheless, Huntingford contradicts this depiction owing to the area's nearness to a lake called Camos, implicitly Lake Baringo.¹⁸⁹

Suffice to say, the origin of the Sabaot as the Kalenjin is the expanse sandwiching Lake Baringo and the Turkana basin in Ethiopia. Imbuye notes;

Although it is debatable, the Sabaot are said to belong to the Kalenjin. However, the very origin of the Kalenjin to which the Sabaots are said to belong is very obscure. The names Sabaot is political, they fall into the Nilotic group. There is insufficient information about them. Their original homeland is cited to be somewhere in the North West of Lake Turkana neighbouring Ethiopia...they probably inhabited an area along the southern fringes of Ethiopian highlands near Lake Turkana.¹⁹⁰

An informant account links the *Ndorobo* with the Bukusu where it is alleged that a Bukusu man called Sangura had a *lukoba* (a homestead) at Kipsigon. *Ndorobo* existence in Mt. Elgon area is linked to an incredible story of Mzee Chonge/Choge from the Bukusu oral tradition. He was a sorcerer (seer). It is assumed that he was banished from Kalenjin-land because of witchcraft. Choge had two beautiful girls with whom, he trekked with to Mzee Nandebe's homestead, an area believed to be Cherang'ani. They pleaded with Mzee

¹⁸⁹ Were, G. S. (a.), *Op.cit*, p36

¹⁹⁰ Imbuye, B., *Op.cit*, p. 42

Nandebe to accommodate them and he obliged. Mzee Nandebe was a close friend to Mzee Sangura who resided at Kipsigon.

The two regularly visited each other; infrequently Mzee Nandebe would visit Mzee Sangura with Mzee Choge. One day Mzee Choge visited Mzee Sangura unaccompanied since they happened to be acquainted to each other and had become friends as well. Mzee Choge came in company of his two girls, a love affair between Choge's daughters and Sangura boys blossomed. The boys married the girls, Choge girls taught the boys and their children (*Lutono*) Ndorobo language. The name Sangura is common among the *Ndorobo*, even one of their current famous *Oloibon* was called Sangura.¹⁹¹

2.4.3 Migration and Settlement of the Sabaot

The Sabaot roved between the Rudolf basin where they are believed to have originated, Uasin Gishu plateau area (also referred to as *Silikwa* by the Bukusu), Webuye formerly Broderick falls (referred to as *Lelekwe* by the Bukusu), Cherang'ani or Kapenguria (also referred by the Bukusu as *Namanjala* or *Namalo*), Mbale (also referred by the Bukusu as *Embayi*) and Mwalie in the present day Malakisi in Bungoma County before finally settling in Mt. Elgon area.

Their migration and settlement is incomprehensible especially when there was no such sub-tribe until the last decade of the 20th century. Were's research affirms this when he says that;

Some years later the community emigrated and settled on Mount Elgon where, after sometime, a second dispersal that the extant communities of the Kalenjin cluster came into existence. Thus, those who emigrated eventually founded the

¹⁹¹ Benjamin Kirwa, (A farmer at Kaptama) interviewed on 18/2/2019

present Nandi, Kipsigis, Tugen, Suk, Marakwet and Elgeyo communities. Those who stayed behind on Mount Elgon later became present *Kony*, *Bungomek* and *Bok* and the *Sebei* people of that district. A branch of the Elgon, the Terik who presumably hived off from the *Bungomek*, migrated to Asembo-Central Nyanza After mixing with Bantu, they gave rise to Abatiriki.¹⁹²

It is not clear whether the remnants of the Kalenjin at Mt. Elgon area were Kony or Sabaot in cluster. The *Bok* accounts contradict the foregoing generalization. They confirm living in harmony with the Bukusu at Mwalie around the present day Malakisi before moving to Mt. Elgon.¹⁹³ Pius Kakai writes that; by mid nineteenth century, the *Kony*, *Bok*, *Somek* and the *Mosopisek* were settled in North Malakisi and Mt. Elgon regions that stretch to Trans-Nzoia, while the Bungomek were scattered in hilly areas of Bungoma district.¹⁹⁴

This description is traceable, that the *Kony*, *Bok*, *Somek* and the *Mosopisek* from the Turkana basin settled around what the Luhya call *Silikwa* or the Uasin Gishu plateau before finally moving to Mt. Elgon while a splinter groups moved to Broderick falls, (*Lelekwe* or Webuye) and others trekked to Uganda around the Bagishu area.¹⁹⁵ Were's studies concurs with this as pointed in the following statement;

According to the *Bungomek* and *Bok* sources, it is probable that at least some of their people originally belonged to the '*Silikwa*' and that they formerly lived in '*Silikwa*' which may be identified as the Uasin Gishu plateau. Wars with the Nandi and Uasin Gishu plateau Maasai are said to have been the reason for their emigration from Sirikwa to Mount Elgon. Whence, some of them trekked southwards into *Bagishu* and *Bugwere*, where they arrived in the middle of the nineteenth century. A branch of the *Sirikwa* was driven from the

¹⁹² Were, G. S.(b)., *Op.cit*, p. 48

¹⁹³ Kakai, P., *Op.cit*, p. 64

¹⁹⁴ *Ibid*

¹⁹⁵ *Ibid*

dispersal area by the Maasai to the neighbourhood of Broderick fall and Kabras in the *Buluyia* country.¹⁹⁶

The *Kony* account rebut the *Silikwa* theory, speciously after migrating from Turkana basin they moved and established in Mt. Elgon area and as such their movement was less complicated as opposed to the rest of the Sabaot clusters whose traces are obtainable in Uganda and Malakisi in Kenya prior to patching up in Mt. Elgon area. The *Kony* exposition relates with the larger Kalenjin version of Mt. Elgon break up leaving them behind. Makila reveals that the Sabaot stayed in Mbale (*Embayi*) for a long time, enjoying long spells of peace and friendship with neighbouring *Bakisila* (Karamajong), *Basebeyi*, *Bakinisu* (Maasai), *Bamarehe* (Turkana) and *Bakanulyungu* (Suk)...¹⁹⁷

Makila's version gives the impression that those Sabaot who trekked to Uganda and lived peacefully at one time with the Bukusu at *Embayi* are the Sebei, the Sabaot cousins from Uganda. It is also plausible that the *Bok* who lived with the Bukusu at Mwalie in North Malakisi in the modern Bungoma County were the fugitives from *Silikwa* (Uasin Gishu plateau). A faction of them could have inter-married with the Bukusu giving rise to the *Silikwa* people.

This study thus holds that, when the Sabaot migrated from the Turkana basin, one faction moved and settled on Mt. Elgon and the other inhabited the Uasin Gishu plateau, before breaking away to Uganda and Malakisi (*Mwalie*) areas before moving back to Mt. Elgon area.

¹⁹⁶ Were, G.S.(a)., *Op.cit*, pp. 49-50

¹⁹⁷ Makila, F.E., *Op.cit*, pp. 136-9

2.5 Socio-political and Economic Relations in Pre-colonial Period

Both Ogot and Seligman are the hard ore exponents of the idea that agriculturalist enlightenment and civilization have been influenced by pastoralists. Seligman idea puts the influence on the Nilotes who in turn disseminate the culture to the Bantu whom they interacted with and easily displaced. Ogot shares this deduction in his occupational approach.¹⁹⁸ Betwell Ogot writes;

But before the European advent, this Bantu world was invaded from within Africa. The inter-lacustrine area bounded on the East by Lakes Victoria and Kyoga in the North by the Victoria Nile, in the West by the Rift Valley with Lakes Albert, Edward, and Kivu and the northern parts of Lake Tanganyika, was invaded by the Bahima and Bachwezi pastoralists, perhaps from the southern part of Ethiopia about twenty to twenty five generations ago. They brought with them new crafts and techniques for example the 'beehive hut' and coiled basketry, new ideas of social and political organization, and a cattle culture which greatly influenced much of the present day Uganda as well as parts of Kenya and Tanzania.¹⁹⁹

Apparently, from the foregoing, the Bukusu socio-political and economic structures and organization could have been the Sabaot (Kalenjin) influence.²⁰⁰ Nevertheless, obtainable evidence indicates otherwise in some cases, putting the presumption into inquiry. Morgan, W.T.W., says, the Bantu's possibly originating as a group in eastern West Africa, north of the Congo forest, possessing a knowledge of iron smelting and cereal agriculture, they could have penetrated southwards through the forest...²⁰¹

¹⁹⁸ Huntingford G.W.B: *The Northern Nilo Hamites: East Africa part VI*, (New York: Routledge, Taylor & Taylor Group; 1968); p.19

¹⁹⁹ Betwell A. Ogot., *Op.cit*, pp. 128-9

²⁰⁰ Wagner, G: *The changing family among Bantu of western Kenya* (London: Oxford University press; 1949); p.12

²⁰¹ Morgan, W.T.W., *Op.cit*, p. 16

For that reason, this study holds that despite the fact that, the pastoralist influence is foreseeable, the Bantu and especially the Bukusu had an idea of socio-political structures and organization which informed their structured and group mobility.

2.5.1 Bukusu-Sabaot Inter-ethnic Social Contact during the Pre-colonial Period

Due to their nomadic nature as pastoralists, Sabaot did not observe burial rites, inter-marriage and settled life. Sabaot left the dying or dead as they moved away from such places, assumed to be places associated with bad omen. Makila confirmed through the *Babukusu* accounts, that, when a person was seriously ill; their Kalenjin neighbours used to first test out whether he could survive or not by offering him some food. If he failed to eat anything on several occasions, they abandoned him to die by himself and then they shifted to a different place.²⁰²

Contrarily, the Bukusu observed burial rites as well as cared for the sick. Their settlement illustrated established life. They build homesteads and lived in groups. It would appear their movement which was often instinctively instigated by the invasion of their aggressors. It would further look as if they highly regarded the dead and lived around the area they buried their kin.

Makila confirms this;

Regarding care of the sick and burial of the dead, Bukusu oral tradition accounts graphically portray conditions of sedentary life. A sick person was looked after until recuperated or died. When a person died he was buried in a grave with a warrior weapons if he was an elder.²⁰³

²⁰² Makila, F.E., *Op.cit*, p. 42

²⁰³ *Ibid.*, p. 42-3

Later the Sabaot adopted the sedentary lifestyle and started to observe burial rites for their people. It is highly perceptible that they adopted this culture from the Bukusu who they mingled with. They later build stone walled houses that were common with the Bukusu – *Lukoba*. Makila writes;

Babukusu explain that their technique of fortifying villages had a long established tradition. During their residence in *Silikwa* they used to construct stone walls mainly for military purposes. Behind those walls the population felt secure from surprise enemy attacks. Secondly, life within fortified villages is said to have afforded them a high degree of social and political cohesion.²⁰⁴

The above description depicts that the Bukusu had well-structured social and political units. It is still, arguable as whether they adopted this from Meroe people from *Misri* or it was their indigenous idea. This study also cannot dispute the irrefutable fact that Bukusu socio-political influence was propagated among the Sabaot. Kakai writes;

By the close of the century the El Kony lived in houses within a fence composed of interlaced branches, their grain stones adopted a Bantu pattern. Bok and Bungomek lived in circular mud or cow dung plastered shelters called '*Chepkumatishiek*'. The Bok lived in fortified camps called '*Ngorinok'o*', in each of them stayed about one hundred people. The *Ngorinok* technology as was pointed out earlier owes emergence to Bok's interaction with Bukusu.²⁰⁵

The Bukusu influenced the Sabaot to take on a settled life in homesteads existing in a group for security reasons, especially when raids and counter raids were frequent. It is innate that the settled life influenced the observance of the burial rites. It is predictable that this idea was first strewn at *Silikwa* where the Bukusu and Sabaot were neighbours and raided each other for livestock. Makila confirms this;

²⁰⁴*Ibid*, p. 37

²⁰⁵Pius Kakai., *Op.cit*, p. 64

There are indications that original inhabitants of *Silikwa* practiced a reasonable standard of agriculture and most, therefore have been sedentary pastoralists, they had time to care for their sick and bury their dead. They had stone enclosures, artificial moulds, irrigation furrows, and roads. Artificial moulds of stones up to twelve feet in height which are said to have been burial grounds.²⁰⁶

This study therefore affirms that, the *Silibwa* contact had ramification to the Sabaot in Mt. Elgon area they adopted burial rites as well as settled life when they moved to Mt. Elgon from *Silikwa* (Uasin Gishu plateau). An informant confirmed the adoption of the burial rites by the Sabaot from the Bukusu. The account goes that during the burial of the dead, the Bukusu bury their dead facing East while the Sabaot bury their dead facing North.²⁰⁷

It is also instructive to note that the art of homestead fencing and living in groups initially by the Bukusu was a security strategy against the Kalenjin invasion. This clearly indicates a history of Bukusu-Sabaot inter-ethnic land conflict. The Sabaot adopted this art from the Bukusu from their experience of inter-ethnic conflict with the Bukusu.²⁰⁸ The burying of the dead had a significant implication to the land, among the Bukusu, where your ancestor was buried is their ancestral land. This culture was effectively transmitted to the Sabaot, who not only started to adopt sedentary lifestyle but also buried their dead.

This ingrained culture among the Bukusu and Sabaot subsequently contributed to inter-ethnic land conflicts in Mt. Elgon area.²⁰⁹ One incredible influence the Sabaot had on Bukusu is initiation. Even though female clitoridectomy was also propagated, the victims were initiated under duress on inter-marriage grounds on marriage grounds. Clitoridectomy

²⁰⁶ Makila, F.E., *Op.cit*, p. 62

²⁰⁷ Jacob Namunyu, (a CBO leader member at Kopsiro a), interviewed at Kopsiro on 22/2/2019

²⁰⁸ Abiud Wabwoba, (a bishop at Kopsiro) interviewed at Kopsiro on 20/2/2019

²⁰⁹ Alice Nekesa, (an ex. Councillor at Kapsokwony) interviewed at Kapsokwony on 7/3/2019

according to one Bukusu informant did not impress the Bukusu.²¹⁰ An informant confirmed that indeed inter-marriage between the two communities thrived and that Bukusu women were forced to go through the cut when they married the Sabaot men but this practice was not embraced by the Bukusu.²¹¹ Khamala writes;

Intermarriage facilitates the cross-fertilization of cultural values. In the past, clitoridectomy practiced by the Sabaot when introduced in non-practicing communities such as the Bukusu did not elicit much opposition, Sabaot women folk would tease, deride and persuade brides from non Sabaot communities to undergo the ritual.²¹²

An informant avowed that female circumcision was traditionally believed among the Sabaot to moderate sexual desire among the women. It was a restrictive measure to control sexual conduct of the women folk in the society in preservation of marriage institution. Women were prohibited to have more than one husband and promiscuity was abhorred, ridiculed and restricted.²¹³ Khamala reinforces that; clitoridectomy is a measure to contain women excess libido to cushion the marriage institution from infidelity and eventual collapse. Even so, findings indicate a rather conflicting picture. The sexual life of women who underwent the cut and those who did not is almost same. Both sets of women have similar pleasure in their sexual life, have frequent intimacy with their spouses and may be unfaithful altogether.²¹⁴

From the foregoing it seems that the society's perception of the culture among the Sabaot was twofold. Those who believed it worked to control promiscuous tendencies and those

²¹⁰Geoffrey Khamala., *Op.cit*, p.83

²¹¹ Electina Nasimiyu, (a pastor at Kaptama), interviewed at Kaptama on 29/2/2019

²¹² Geoffrey Khamala, ., *Op.cit*

²¹³ Brenda Jepkoskei, (a farmer at Cheptais), interviewed at Cheptais on 19/2/2019

²¹⁴ Geoffrey Khamala., *Op.cit*

who disputed its applicability as a sexual restrictive measure.²¹⁵ An informant concurred that clitoridectomy affected one's sexual life and was unpopular among young wives but the older women were the custodian of the practice.²¹⁶ On clitoridectomy, Khamala asserts that, it also decreases penile sensitivity in men and weakens the vulva of the female sexual body part and circumcised women can suffer from urinary tract infection and pose risk to Human Immuno-deficiency Virus (HIV) infection to the initiates.²¹⁷

An informant account confirmed that inter-marriage between the Bukusu and Sabaot men flourished. It was however, the Sabaot who mostly married from the Bukusu. This kind of marriage triggered inter-ethnic tension among the Bukusu and Sabaot. As some of the Bukusu women were forced to undergo clitoridectomy.²¹⁸

Khamala accounts that;

...if a Sabaot male married a Bukusu female (the Bukusu never circumcise women) Sabaot women will make sure she undergoes the exercise ...this practice is normally a source of conflict between the Bukusu and Sabaots with the former accusing their Sabaots counterparts of forcibly circumcising their women.²¹⁹

Male circumcision, however, was encompassed by the Bukusu and became their tradition henceforth. An inquiry into the inception of the Bukusu male circumcision does not directly link the practice to the Sabaot influence at the outset but confirms the practice to be foreign to the Bukusu culture.

²¹⁵ *Ibid*

²¹⁶ Caren Nelima, (a farmer at Cheptais) interviewed at Cheptais on 28/2/2019

²¹⁷ Geoffrey Khamala., *Op.cit*, pp. 94-96

²¹⁸ *Centrine Nekesa, (a trained teacher at Kapsokwony) interviewed at Kapsokwony on 14/3/2019*

²¹⁹ Geoffrey Khamala., *Op.cit*, p.95

Makila confirms this;

At *Namarakaru* before moving to *Ebukhumama* where they lived with the Teso and Kumam, Makutuku joined the *Barwa Bakinusu* in circumcision ceremony; he was circumcised and became a member of the *Basawa* age set...*Babukusu* attributed their susceptibility to cold weather to the state of ritual uncleanness caused by failure to observe the circumcision tradition (*Kamafunga*) the uncut prepuce was said to be responsible for developing a fondness for warming by fire and shirking manly duties. They began circumcision seriously...nomadic conditions and tribal wars forced people to dispense with the circumcision tradition they ignored it because it was expensive and had many uncircumcised men, who were grown and were afraid of the knife.²²⁰

Namarakaru should be a place in eastern Uganda, from this account it will give the impression that the Bukusu were influenced into circumcision by the Maasai. However, what is clear and confirmed by informants is that while living at Malakisi (*Mwalie*) Mango the son of Bwayo, wanted to marry a girl from the Sabaot. As a condition for the bride's hand in marriage, the parents of the bride instructed Mango to kill the dreaded snake that often disturbed the Sabaot settlement in the northern *Mwalie*. From the informant's account killing the reptile was a near impossibility, hence it was an indirect marriage rejection by the bride's parents. The account goes that, Mango was strong and courageous and did not flinch to hunt down and eliminate the reptile. With careful precision, Mango killed the reptile. The bride's parents gave him their daughter for marriage. Mango also accepted to be circumcised, circumcision henceforth was observed among the Bukusu. Those who resisted the knife were brutally forced into the practice.²²¹ Makila confirmed that, following Mango's public circumcision, it became mandatory for

²²⁰ Makila, F.E., *Op.cit*, pp. 144-154

²²¹ David Kirui, (a CBO leader at Kapsokwony) interviewed at Kapsokwony on 13/3/2019

every male person to be circumcised publicly. The clans who were conservative were pushed away and went to live around *Ebuserema*, *Ebunyole* and *Ebunyala*.²²²

An informant account confirms that for a long time now, the Sabaot have invited the Bukusu traditional circumcisers to initiate their boys as a sign of connection of the culture.²²³ Following Mango's actions, Makila notes that, from that occasion the neighbouring *Kalenjin* became amenable to Babukusu and often exchanged visits. Bukusu circumcision 'doctors' (operators) were at times invited to go and circumcise *Barwa* and vice versa.²²⁴

The rite of initiation has an immense significance to the Bukusu-Sabaot inter-ethnic land conflicts in Mt. Elgon area. The piece of land where the initiate is circumcised on automatically becomes his future piece of land, this point to the cultural values and aspects of land. It also imparts in the initiate the spirit of defending land as a cultural heritage among the Bukusu and the Sabaot.²²⁵

In addition, during the initiation rite of passage boys in particular are socialized into warriors after graduation, their noble duty becomes to defend the community against external incursion. This onus is among the Bukusu and Sabaot, this cultural responsibility is still very rife among the Sabaot. Such warrior orientation has contributed enormously to the Bukusu-Sabaot inter-ethnic based land conflicts in Mt. Elgon area.²²⁶

²²² Makila, F.E., *Op.cit*, p. 157

²²³ Kennedy Ndiema, (*A religious leader at Kopsiro*) interviewed at Kopsiro on 23/2/2019)

²²⁴ Makila, F.E., *Op.cit*, p. 43

²²⁵ Douglas Satia, (*a retired craftsman at Cheptais*) interviewed at Cheptais, on 17/2/2019

²²⁶ Enock Korio, (*a Businessman at Cheptais*) interviewed at Cheptais on 1/3/2019

Kakai explains that as a conflict resolution mechanism, the Bukusu and Sabaot exchanged circumcisers often. This was a peaceful gesture among the two communities.²²⁷ Historical chapters are strewn with Bukusu-Sabaot inter-ethnic land conflict, but a critical analysis reveals a rather different script. While incessant conflicts strained the contact, available information illustrate a contact that flourished socially. Makila confirms this;

In times of famine which are said to have been frequent amongst Kalenjin neighbours, the latter used to even sell their children to *Babukusu*. Babukusu also used to send their own young boys to grow up with Kalenjin or Maasai families. On the other hand, occasionally clashes used to break out between *Babayi* and Kalenjin over the cattle. As fighting grew more intensive and chronic, virtually all the remaining clans of *Babukusu* abandoned *Silikwa* and fled to join their tribesmen.²²⁸

This study holds that the Bukusu and Sabaot have engaged in violent conflicts in Mt. Elgon area, but this does not mean that they did not interact during the inter-war period. During such time cross-cultural exchange flourished and this included dissemination of ideas and spread of art.

Land among the Bukusu and Sabaot is a valuable asset. It is also a means of production; the Sabaot used land for grazing field and hunting ground whereas the Bukusu utilized land for cultivation. Land also had a symbol of family roots. Once land was where the ancestor died and was buried.²²⁹

2.5.2 Bukusu-Sabaot Inter-Ethnic Political Relations during the Pre-Colonial Period

Basing on the occupational approach, it will appear that the Sabaot had a tremendous impact on the Bukusu political organization. While this is incontrovertible Makila

²²⁷ Kakai, P., *Op.cit*, pp. 78-79

²²⁸ Makila, *Op.cit*, p. 39

²²⁹ Geoffrey Khamala,., *Op.cit*, p.73

confirms that indeed the Bukusu had a political structure in their *Silikwa* settlement.

Makila states that;

Sometimes their wealth in cattle and crops induced Kalenjin neighbours (*Barwa*) to make friends with them, but other times this wealth created favourable conditions for enemy attacks. There happened a long drought in one year when *Barwa* had practically nothing to eat, and lived on only honey and wild game. One day a group of *Barwa* walked in the direction of *Silikwa*, intending to search for food stuff. On approaching *Silikwa* territory, they found that villages were well defended with fortresses and inhabitants seemed to be warriors of no mean stature. Fearing imminent assault for their intrusion, they carried branch leaves on their heads as a sign of peaceful intrusion. *Babukusu* warriors welcomed them and politely asked about their mission. The *Barwa* explained that a severe drought had brought calamity to their land. It had devastated animals and caused endemic famine which threatened the lives of the entire community, animal meat was only safe wild game, which was scarce. And honey could hardly sustain their lives; they were therefore looking for food to help them survive the drought. *Babukusu* warriors informed *muusi*, (*Omukasa*) ordered that the strangers be brought before him at once. They were eight people, three men, two women and one boy and a girl. All looked haggard and emaciated, *Muusi*, ordered his wives to bring fresh milk for the strangers. The following day they were served sour milk on the third day they were served fresh blood-*Kamalasile* together with 'clotted' blood called *ching'oling'o*, it was obtained by stirring fresh blood vigorously and continuously with a special type of stick, on the fourth day, the strangers were served both sour milk and fresh milk. Serving a light diet was considered necessary for rallying the strength of a starving person before he could be given solid food. After they had sufficiently recuperated from the effects of starvation and malnutrition they were served *Busuma* and *Kamatore*. They stayed until the weather in their country improved. When the drought receded and vegetation began to appear, the *Barwa* asked *muusi* to give them an escort of warriors to accompany them home, so that to check whether those they had left behind had survived the long drought. *Muusi* selected four elders of *kamachabe* (those entitled to wear ivory armbands) four respected (elderly) women and the warriors. The territory of warriors skirted the shores of Lake Turkana, (*Enyanja ya Nabibia*). Their leader received the *Babukusu* delegation very warmly, entertaining them for seven days before they were bidden farewell.²³⁰

The idea of *Omukasa* among the Bukusu indicates an established political structure; further to this, this study holds that; the art of circumcision and warrior establishment by the

²³⁰Makila, *Op. cit.*, p. 42-43

Sabaot had an impact on Bukusu strengthened militarism and political Pecking order. An informant shares that before the initiates graduated to manhood among the Sabaot they were introduced to the *lion*, they had to encounter and challenge the lion face to face. This was expected to instil valour among the warriors.²³¹

Khamala reiterates that animals are integral part of inter-ethnic land conflicts between the Bukusu and Sabaot. Animals have been symbolically manipulated to either reinforce the conflict or systematically pacify and consequently catalyse cease fire between the Bukusu and Sabaot at the height of inter-ethnic conflict. Girls among the Sabaot are introduced to the leopard after clitoridectomy to ostensibly to instil courage in them while Sabaot boys are introduced to the lion for the same reason after circumcision. In a striking parallel some Bukusu clans' introduce boys to the leopard to instil courage among them. Moreover, dogs have been used by both Bukusu and Sabaot communities to cement lasting peace between them.²³²

The Bukusu adopted this although with slight variation but with a tremendous impact on their political organization. The Bukusu initiates in some selected clans have to face the *Engwe* (leopard) before graduating into manhood. Ogot sheds more light on strengthening of political structures, in that; the Bantu, who hitherto had organized themselves into semi-autonomous and exogamous clans, were gradually welded into bigger political units organized territorially.²³³

This study contends that while the Bukusu had established political structures, their contact with the Sabaot enhanced them further through adoption of Sabaot aspects of political

²³¹ Eliud Wakwabubi, (A religious leader at Kapsokwony) interviewed at Kapsokwony on 12/3/2019

²³² Geoffrey Khamala., *Op.cit*, p. 71

²³³ Ogot, B.A., *Op.cit*, p. 126

structures like the institution of warriors. Bentley expounds on that; as cultivation and herding spread throughout sub-Saharan Africa, agricultural people built distinctive societies and cultural traditions. Most Bantu lived in communities of few hundred led by chiefs.²³⁴

The above indicate an external cultural transmission, perhaps due to migration and settlement contact which ultimately affected the Bukusu in Mt. Elgon area in their contact with the Sabaot. Khamala confirms a cross fertilization of opinions between the Bukusu and the Sabaot;

The boy-child among the Bukusu and Sabaot was a symbol of manliness and was cherished because he could defend the community and served to preserve the ancestor's existence in the spirit world by keeping alive his memories. The spear is given to the male initiates to make the end of puberty as well as symbolically boys are expected to defend the community.²³⁵

It is also conceivable that homestead fencing enhanced political organization. This aspect is credited to the Bukusu who lived inside walled homesteads (*Lukoba*) as a group to secure themselves from the *Barwa* who habitually invaded them. Imbuye shares this; accounts of warfare among the Sabaot has historically been imbedded in their landscape and cultural structure and that the territorial military organization was integrated into this sociological features like age sets and the clan system.²³⁶

Inside *lukoba*, a hierarchy of command was naturally established, there was *Omukasa* and elders who wore iron armbands *Lichabe*, the elders should have been council of elders.

Although the Sabaot had an established council of elders *Kokwet*, Sabaot reinforced their

²³⁴Bentley, Herbert and Street-Salter: *History of world civilization to 1500, volume 1: 2nd ed.* (New York: Mc Graw hill; 1976); p.43

²³⁵ Geoffrey Khamala, ., *Op.cit*, p. 73

²³⁶Imbuye, G., *Op.cit*, p. 125

political organization through living and fencing of homesteads of about one hundred people which may have been revolutionized and influenced by the Bukusu.²³⁷

The enhanced political organization among the Bukusu and Sabaot increased the aspect of warfare among the two communities after cross fertilization of ideas. It was easy to mobilize and organize warriors through established political systems.²³⁸

2.5.3 Pre-colonial period Bukusu-Sabaot Inter-Ethnic Economic Relations

Although it is an open field for inquiry, available evidence especially from archaeologists credits the Bantu for the spread of cereal agriculture in the sub-Saharan Africa. This was characterized by their patterns of migration. They settled in areas that favoured cultivation. Bentley, *et al.*, shared that; the earliest Bantu speakers settled mostly along the banks of rivers, which they navigated in canoes, and in open areas of the region's forests. They cultivated yams and oil palms. They later added millet and sorghum; they also kept goat and guinea fowls.²³⁹

The Bantu spread cereal agriculture to the pastoralist communities they interrelated with. They also intermingled with Hima, Bachwezi, Maasai and Somali in East, Central and Southern Africa. Bentley, *et.al*, wrote, among the most important effects of Bantu during their migration and settlement was the establishment of agricultural societies throughout most of sub-Saharan Africa...cultivators extended the cultivation of yams and grains deep into east and South Africa.²⁴⁰

²³⁷ Pius Kakai., *Op.cit*, p.64

²³⁸ Erick Wekesa, (an activist at Kapsokwony) interviewed at Kapsokwony on 10/3/2019

²³⁹ Bentley, Herbert and Street-Salter., *Op.cit*, p. 41

²⁴⁰ *Ibid*, p. 43

This on the other hand is disputed. It is argued that Neolithic Revolution first occurred in Nile Valley and the Middle East questioning the Bantu effect in the Sub-Saharan Africa.²⁴¹ Nonetheless, it is also argued that Agrarian Revolution could have been happening elsewhere earlier or even at the same time in the Sub-Saharan Africa just as it was in the Nile and Middle East. Ogot writes that; most archaeological works have suggested the Middle East and the Nile Valley as the places where Neolithic Revolution started.²⁴²

An informant intimated that Sabaot are conservative people, they seldom embrace change and they disinclined to practice cereal agriculture until 19th century. They were conventional pastoralist and harvested honey from the forest.²⁴³ This is shared by Kakai;

In their settlement, the Sabaot were essentially pastoralist herding cattle, sheep and goats, however, in the 19th century rider pest outbreak and raids from neighbouring ethnic groups compelled most of them including the Kony, the Bok and Bungomek to increasingly adapt cultivation of fertile foothills of Mt. Elgon. They planted tobacco, potatoes, bananas, millet and sorghum.²⁴⁴

Even though, the change to cultivation is linked to rinderpest epidemic, compelling oral accounts correlate Sabaot embracing of cereal agriculture to the neighbouring Bukusu influence in Mt. Elgon area. The informant insists that Bukusu and Sabaot had a long period of barter trade. The Bukusu goods apparently were farm foodstuffs while the Sabaot wares were livestock products. But, famine and rinderpest forced them to become accustomed to farming which they adopted from the Bukusu. The Sabaot were buying

²⁴¹ Ogot, B.A., *Op.cit*, p.127

²⁴² *Ibid*

²⁴³ Patrick Kiprop, (a farmer at Kopsiro) interviewed at Kopsiro on 23/2/2019

²⁴⁴ Pius Kakai, *Op.cit*, p. 65

biakhulia (food) from the Bukusu. They brought (*Bitasia*) – *Chinengo* (Baskets) and Bukusus traded them with *Kamaindi* (maize).²⁴⁵

It is not clear when the Bantu or particularly the Bukusu adopted livestock farming. However, existing indication suggests that the Bukusu kept stock except not to the volume of the Sabaot initially.²⁴⁶ But later, during their raids and counter-raids, the Bukusu had amassed livestock even to the envy of the Sabaot. Makila confirms this;

Babukusu oral tradition account reveal that whilst living in Silikwa, *Babukusu* used to enjoy period of harmony with their ‘Nilo-Hamitic’ neighbours. Due their immense cattle wealth and prosperous agriculture, they were sometimes not only admired but envied on neighbouring communities. It was a common practice for Kalenjin neighbours to give *Babukusu* their sons to look after their herds of animals...an honest researcher would inevitably conclude that *Babukusu* were sedentary settlers who combined agricultural and pastoral economies in their cultural traditions, their ‘Nilo-Hamitic’ counterparts were nomadic pastoralists who showed no agricultural bent on their economic pursuits.²⁴⁷

Even if, it is open to inquisition, the Sabaot may have influenced the Bukusu on keeping large herds of cattle as a sign prestige and wealth.

Iron working is another economic aspect that is credited to the Bantu and principally the Bukusu for its propagation in Mt. Elgon area. Morgan confirms that from the point of origin, the Bantu had the idea of iron smelting which enabled them to clear the thick forests for cereal agriculture and pave way for migration.²⁴⁸ Nonetheless, a contradiction

²⁴⁵ James Kimutai, (a former councillor at Kaptama) interviewed at Kaptama on 16/2/2019

²⁴⁶ Jamin Wandabwa, (a trained teacher at Kopsiro) interviewed at Kopsiro, on 21/2/2019

²⁴⁷ Makila, F.E., *Op.cit*, pp. 39-41

²⁴⁸ Morgan, W.T.W., *Op.cit*

has arisen to link the Bantu iron smelting to their contact with Meroe's in Egypt. Ogot illuminates this;

From the available archaeological evidence – and there is very little of it on the Iron Age in East Africa – it would appear that the original Bantu speaking cultivators did possess the Knowledge of iron-working. It would further appear that iron was introduced into the inter-lacustrine area by the later invaders of the Bantu world, probably the Nilotic and Sudanese people from the Nile Valley, where Meroe – the Birmingham of central Africa – iron had been worked since about the fourth century B.C.²⁴⁹

During the Bukusu settlement at *Sengeli* iron smelting was evident, although it will appear that they had until that time abandoned the exercise due to sporadic attacks at *Nabiswa* settlement. The *Sengeli* settlement gives a picture of iron people who value their art. Makila shares this;

Epidemics and attacks in later years made them to migrate to *Sengeli*. They revived their old trade of iron monger which had been seriously interfered at *Nabiswa* by marauding Arabs...they set up numerous smelting huts and they worked on iron piece goods so industriously that the new settlement became littered with vitreous smelting refuse (*Kamasengeli*)²⁵⁰

It will seem possible that the Bukusu who were in contact with Meroe people while migrating from the north along the Nile may have learnt the art of iron smelting from the Meroe people. They called Lake Turkana, Lake *Nabibia* which means the lake of iron and called the Ethiopians *Nabibia* meaning iron people.²⁵¹ Definitely, the Bukusu influenced the Sabaot on the art of iron smelting in Mt. Elgon area. Jackson notes that; in *Kitosh*

²⁴⁹ Ogot, B.A., *Op.cit*, p, 128

²⁵⁰ Makila, F.E., *Op.cit*, pp. 134-142

²⁵¹ *Ibid*, pp.135-137

(Bukusu) there is a fair amount of iron ore of a quality, the natives prefer...outside every occupied village we passed there were one or more smelting furnace...²⁵²

A Bukusu informant's account confirmed the art of iron working among the Bukusu. According to the informant, a special soil called *Burare* was used to refine iron. It was dug out and tied with a special grass called *busindakusi* and taken to *lirumbi* (refinery area). *Burare* was burnt in furnace, to maintain the required heat while *Kumukuba* was used to direct air into the burning furnace. After a considerable time, iron came out of the *Burare* (It was called *sichuma sipotole*). What remained was called *Kamasengeli*.²⁵³ A Sabaot informant also confirmed this practice among the Sabaot.²⁵⁴

The art of iron working was vital in shaping the Bukusu-Sabaot inter-ethnic land conflicts in Mt. Elgon area. Weapons (*Kafumo* and *Lisakhila*) were produced among the Bukusu. The Sabaot also developed arrows through this technique. This weaponry technique ensured a sufficient supply of weapons during inter-ethnic conflicts in Mt. Elgon area.²⁵⁵

2.6 Linguistic Proof of the Bukusu-Sabaot Inter-ethnic Contact

Language is a powerful tool used to convey and receive messages between people or individuals. The Bukusu and Sabaot have borrowed words from each other that may scientifically justify their inter-ethnic cross-cultural insemination during the pre-colonial period. Previous accounts have confirmed communities that at one point were at war with each other at the same time exhibiting a flourishing cultural interaction. This may be justified further by the fact that inter-marriage between the two communities was widespread.

²⁵² Jackson, F : *Early Days in East Africa* (London: Dawsons of pall Mall; 1969); p. 231

²⁵³ Janifer Kipkwemoi, (a Nurse at Kaptama) interviewed at Kaptama on 24/2/2019

²⁵⁴ John Kizito, (a nurse at Kaptama) interviewed at Kaptama on 25/2/2019

²⁵⁵ Julius Barasa, (a former hunter at Kaptama) interviewed at Kaptama on 12/3/2019

Kakai elaborates more on this;

Inter-ethnic relations can partly be determined by analysing aspects of languages spoken by communities under study. Subsumed in languages are cultural facets that can lead to coalescence or divergence. For two or more communities to borrow vocabulary from each other there must be physical contact, unless that it can be established that either; they borrowed the vocabulary from a common language now dead, or the vocabulary came by filiations through an immediacy language.²⁵⁶

Table 2.1: Some of common Bukusu and Sabaot words that suggest linguistic relation

Bukusu	Sabaot	English
Simiyu	Kemeu	Dry season
Khusaya	Sai	Pray
Khulata	Lat	Castrate
Taywa	Taiywa	Cockerel
Likanda	Kant	Bean
Khubaya	Pai	To keep cattle

Source: Kakai, (2000)

It is probable that the words denote cultural aspects that are embedded in the two communities. The terminologies mirrors seasons of the year, reflecting their sources of livelihood with almost similar pronunciation (phonological similarities) and morphological variances but with exact meaning, evidence of contact strongly illuminates a flourishing socio-economic interface during the inter-war period.²⁵⁷ An informant account confirmed that the Sabaot were not eating and rearing chicken but after interacting with the Bukusu they started keeping and eating chicken. It explains why the Sabaot adopted the word *Taiywa* from the Bukusu, to mean a cock.²⁵⁸ Kakai confirms this;

Inter-ethnic dependence was exhibited when initially Sabaots did not have experts to circumcise their boys; they depended on the Bukusu experts. Inter-ethnic dependence was equally felt in trade transactions. Mosopisek women wove baskets and sold them to the Bok and the Bukusu in exchange for iron implements and food. In the later years, especially in the 20th

²⁵⁶ Pius Kakai., *Op.cit*, p. 70

²⁵⁷ Ehrest, C: *East African Words and Things: Agricultural Aspects of Economic Transformation in the 19th century*, (presented at the ad-hoc conference of Historical Association of Kenya, 3rd-5th January); p.129

²⁵⁸ Julius Kirui, (a farmer at Kapsokwony) interviewed at Kapsokwony on 10/3/2019

Century, the volume of exchange commodities increased with use of pack animals-such relations bred violent confrontation.²⁵⁹

The Bukusu-Sabaot loan words indicate their encounter during raids and conflicts. For example, the Bukusu use *Khusera*, a similar word among the Sabaot is *seat*, meaning raid.²⁶⁰

Linguistic evidence of inter-ethnic contact is also epitomized in the age set naming. The Bukusu and Sabaot have more or less analogous age set system. An informant explanation attributed this similarity to Bukusu adoption of male circumcision from the Sabaot.²⁶¹ The terms vary phonologically nevertheless are semantically correlated. Table 2.2 shows how age sets are named and the evident similarities among the two communities.

Table 2.2: Similarities in the Bukusu-Sabaot Age Sets System

Bukusu	Sabaot
Maina	Maina
Nyange	Nyange
Chuma	Chumo
Kinyikeu	Mnikew
Kananachi	Kaplelach
Kikwameti	Kwaimet
Kolongolo	Korongoro

Source: Arap Kisémbé, (1978)

An informant’s account clarifies that the Bukusu adopted the age set system from the Sabaot. This reinforced their political organization and warrior institution. The boys were prepared to secure the community once initiated. The brave are lionized and the timid

²⁵⁹Pius Kakai., *Op.cit*, p. 72

²⁶⁰ *Ibid*, p. 71

²⁶¹ Patrick Wekesa, (a student from Kopsiro), interviewed at Kopsiro on 23/2/2019

mocked, especially, through circumcision songs.²⁶² Kakai argues that ...beneath languages are cultural features that can unify or disintegrate communities and ignite inter-ethnic conflicts.²⁶³

The culture of age set system has continually contributed to warfare between the Bukusu and Sabaot because it systematically produces initiates who graduate into warriors making a cycle of inter-ethnic conflicts between the two communities.²⁶⁴ Khamala asserts that; codification of symbols, myth and rituals has a detrimental impact on the Bukusu-Sabaot relations and the augmenting the ensuing inter-ethnic conflict between them.²⁶⁵

Informant's accounts confirm that the Bukusu refer to the Sabaot as *Omuyobo* meaning 'stubborn' while the Sabaot call the Bukusu *Nomindeet* meant to belittle the Bukusu. The Sabaot also refer to the Bukusu as *lamek* meaning aliens. To ascertain the historical warfare among the two communities, the Sabaot referred to the Bukusu as *Ketosh* meaning 'ruthless people or enemies', while the Bukusu refer to the Sabaot as *Barwa* meaning 'fighters'. This is informed by the fact that the two communities fought from time to time.²⁶⁶

2.7 Contribution of Bukusu-Sabaot Relations to the Land Question in Mt. Elgon Area
Bukusu-Sabaot contact has been sadistic and diplomatic altogether. During the diplomatic seasons, trade and cross-cultural dissemination flourished. During such period the Bukusu who have settled on the slopes on Mt. Elgon, moved to occupy upper areas of the Mt.

²⁶² Julius Kimaiyo, (a religious leader at Kapsokwony) interviewed at Kapsokwony on 10/3/2019

²⁶³ Kakai., *Op.cit*, p. 69

²⁶⁴ Julius Wanyonyi, (a student at Kaptama) interviewed at Kaptama on 9/3/2019

²⁶⁵ Geoffrey Khamala., *Op.cit*, p. 54

²⁶⁶ Justus Misiko, (a student at Kaptama) interviewed at Kaptama on 9/3/2019

Elgon area. This was possible because the Sabaot were basically pastoralist people who spent time hunting and looking after livestock while moving from one area to the other.

According to Kakai; this was true in Mt. Elgon area where because of the seemingly available pieces of unoccupied land, a few Abatachoni and especially Babukusu encroached on the Sabaot land, sparking a socio-economic pre-colonial web with Sabaot neighbours that became a brooding ground for the spread of ideologies in craft, art and general cultural exchange.²⁶⁷

The entry of the Bukusu in Mt. Elgon area was revolutionary. Whilst, cross fertilization of ideas flourished the Bukusu became wealthy due to their industrious nature. They practiced cereal agriculture and traded the food stuffs with the Sabaot whose source of livelihood did not guarantee them food supply throughout the year. Informant's account confirms that the Bukusu used to employ Sabaot as herders in their home. The informant revealed that the Bukusu-Sabaot relations were still frosty. The Bukusu nicknamed the Sabaot *Omuyobo*, to describe the unintelligence way they speak. Sabaot in turn viewed the Bukusu as *lamek* meaning enemies, 'poor' people or aliens.²⁶⁸ Due to their livestock wealth, the Sabaot were considered wealthier than the Bukusu.

These social relations, however, changed over the years as the Bukusu appropriated more surplus value. Nonetheless, land was still available and land conflict was not experienced. But, Bukusu population grew steadily in Mt. Elgon area.

Kakai describes the land tenure system at that time in the following manner;

²⁶⁷Kakai., P. *Op.cit*, p. 68

²⁶⁸ Khamala., G. *Op.cit*, p.72

African land tenure was communal and guaranteed rights of access and control over land. It was the communal responsibility to allocate pieces of land to community members if necessary, the allocation did not mean ownership, and Among the Bukusu land formed the focus of social relations. It was the clan's responsibility to control and allocate land. Within this collective land tenure system certain sections of individual allocation were open to communal use, they were grazing fields, forests and their products, rivers. The Sabaots had rights to caves and hunting grounds.²⁶⁹

An informant explained how the Sabaot willingly gave the Bukusu land in areas that were infested with Warthogs *Chimbichi*. This demonstrates how the Sabaot were not genuine. However, the informants explain that the Bukusu were able to hunt and kill the warthogs because they destroyed their crops. The Bukusu created '*lurimba*' (improvised traps), with a strategic entry point to trap the targeted animal. They also used dogs to hunt warthogs. *Chimbichi* (Warthogs) liked marshy areas; Bukusu were more skilled in hunting them than the Sabaot. They dug a tunnel covered with banana leaves, when the warthog stepped on it, it fell into the tunnel or ditch, then they used spears to stab it to death. They took the dead warthog home for food.²⁷⁰

The cultural aspects of Bukusu-Sabaot inter-ethnic interaction comes in handy in the operability of this study's theory of Instrumentalism theory. The cultural aspects are manipulated either by elites or ethnic group to cause the inter-ethnic conflict in Mt. Elgon area. Land among the Bukusu and Sabaot has a cultural and economic values that makes it the most contested resource.²⁷¹

The rite of initiation has an immense significance to the Bukusu-Sabaot inter-ethnic land conflict in Mt. Elgon area. The piece of land where the initiate is circumcised on automatically becomes his future piece of land. This point at the cultural values and

²⁶⁹ Kakai, P., *Op.cit*, p. 68

²⁷⁰ Joice Chebii, (a farmer at Cheptais) interviewed on 12/3/2019

²⁷¹ Geoffrey Khamala., *Op.cit*, p.73

aspects of land, it also imparts in the initiate the spirit of defending land as a cultural heritage among the Bukusu and the Sabaot.²⁷²

In addition, during the initiation rite of passage, boys in particular are socialized into warriors upon graduation. Their noble duty becomes to defend the community against external incursion. This onus is among the Bukusu and Sabaot, a cultural responsibility that is still very rife among the Sabaot. Such warrior orientation has contributed immensely to the Bukusu-Sabaot inter-ethnic conflicts in Mt. Elgon area.²⁷³

2.8 The Land Question and Production forces in Mt. Elgon during the pre-colonial period

At the outset of the 19th century, the native people of Kenya had established their forces of production to the level of mutual proprietorship. This was inherent in their traditional land tenure system.²⁷⁴ The pre-colonial land tenure system in Africa espoused collective title and redistribution of land. Land matters were subject to clan system of patronage, thus, virtually the clan owned the land. The clan further subdivided the land to individual families, but, the kinsmen in the families subscribed to clan patronage regarding land crises and redistribution. Accordingly, land during the pre-colonial period was a common property. Meek shares this;

Land is held on (a) kinship and/or (b) a local group basis. Individuals have definite rights but these are qualified by membership of a family, kindred and word (or small villages). Similarly, the individual claims of families exist concurrently with the wider claims of the clan or local group.

²⁷² Joyce Kiplagat, (a retired teacher at Cheptais) interviewed on 12/3/2019

²⁷³ Kennedy Simiyu, (a farmer at Kopsiro) interviewed at Kopsiro on 23/2/2019

²⁷⁴ Nasimiyu, R: *The participation of women in the political economy of Kenya: A case study of Bukusu women in Bungoma district, 1902-1960*, (Nairobi, University of Nairobi; 1984); p. 62

²⁷⁴ Wafula, S: 'Colonial Land Policy and North Kavirondo African Reserve to 1940' (B.A. Dissertation, University of Nairobi; 1981); p. 20

²⁷⁴ *Ibid*

Title, therefore has a community character –the elder is the custodian of land ownership in the extended family or kindred. Land, once granted to a family, remains the property of that family and the chief has no right to its disposal.²⁷⁵

The predominance of patriarchy in the pre-colonial African society, barred women and girls from owning or inheriting land, however, wives of the deceased members of the family inherited their husband's land.²⁷⁶ Wagner highlights that, at around puberty girls were bequeathed small portions of land to cultivate on, the proceeds of such yield were then conserved in distinct silos. Upon getting married the special silos were opened up by the respective father's in law in a solemn occasion. The harvest became the first food stuff in their households.²⁷⁷

It is contentious as whether women were denied the right over land. Informant accounts postulates that both men and women assumed full responsibility of the assigned land including cultivation and management of the land. However, redistribution of land and custodian rights was bestowed to the male members of the societies.²⁷⁸ This is shared by Willis who says;

A woman as a member of her lineage enjoyed all the advantages of a man in respect to rights of usufruct throughout her span of life...as a wife or daughter, she assume full responsibility for the management of her firms and in practice, she is free to tend sections to her kin and friends. Thus, land tenure often meant that both men and women had the right over the land they were assigned to cultivate.²⁷⁹

²⁷⁵C.K. Meek: *Land Laws and Customs in the colonies* (London: Oxford Universities press; 1946); p. 26-27

²⁷⁶ Information from Kenya Archive: KNA/DC/NN/10/1, Political Associations, 1926-40; accessed on 3/4/2019

²⁷⁷Wagner, G., *Op.cit*, p. 9.

²⁷⁸ Kennedy Wekesa, (a teacher at Kapsokwony) interviewed at Kapsokwony on 24/2/2019

²⁷⁹Willis, R. G. *The Fipa and related peoples of south-west Tanzania and North-East Zambia: Ethnographic survey of Africa* (London: International African Institute; 1966); p. 47

In Mt. Elgon area, the economic sub-structure in the pre-colonial era was driven by low level of forces of production superficially for sustenance. Even so, surplus produce was traded or reserved for posterity, and land was the essential force of production.²⁸⁰

Nasimiyu further observes that; Bukusu agriculture was not only a simple subsistence system but produced surplus which was exchanged for other commodities.²⁸¹

To exploit land, pre-colonial African societies took on shifting cultivation and inter-cropping in sustaining land fertility and boasting yields which according to informants was also practised in Mt. Elgon area.

2.9 Conclusion

This chapter expressed how both the Bukusu and Sabaot interacted during the pre-colonial period. It also illuminated chiefly how this interaction affected the development of the land question in Mt. Elgon area. The chapter also discussed that reliable rainfall and fertile soils made land in Mt. Elgon area arable and conflictual during the Bukusu-Sabaot inter-ethnic conflicts in Mt. Elgon area. Furthermore, the chapter also establishes that observance of the rites of passage like burial and initiation contributed to the land question in Mt. Elgon area. The piece of land where the initiate is circumcised on becomes his future land and it is here where the initiate were buried.

During initiation, boys were socialized to defend the community among the Bukusu and Sabaot. They were introduced to wild animals like lions and leopards to instil courage in them to be able to defend the community and particularly land. This culture contributed massively on the Bukusu-Sabaot inter-ethnic conflict in Mt. Elgon area. As a traditional

²⁸⁰ Nasimiyu R., *Op.cit*, p.39

²⁸¹ *Ibid*, p. 42

conflict resolution mechanism, both the Bukusu and Sabaot exchanged circumcisers as a way of burying their differences and cementing peace and harmony. In addition, the culture of age set system, continually produced warriors who have perpetuated the Bukusu-Sabaot inter-ethnic conflict in Mt. Elgon area.

The chapter further reiterated that the culture of homestead which fencing spread across the Bukusu and Sabaot was an indication of sporadic inter-ethnic conflicts between the Bukusu and Sabaot; homestead fencing was a security strategy to avoid enemy ambush. Originally, it was a Bukusu idea which eventually spread among the Sabaot.

The art of iron working was instrumental in shaping of the Bukusu-Sabaot inter-ethnic conflicts as it enhanced sufficient supply of weaponry which included spears and arrows among the Bukusu and Sabaot. The borrowed words among the Bukusu and Sabaot indicated their encounter during raids and inter-ethnic conflicts. Among the Sabaot for example, the word *seat* is pronounced the same as the word *Khusera* among the Bukusu. Incidentally, both words have the same meaning ‘to raid’.

The next chapter builds on this chapter and discusses the aspects of the Bukusu-Sabaot relations during the colonial period and its contribution to the land question in Mt. Elgon area.

CHAPTER THREE

THE LAND QUESTION IN THE BUKUSU-SABAOT RELATIONS DURING THE COLONIAL PERIOD

3.1 Introduction

This Chapter presents the relations that existed between the Bukusu and the Sabaot during the colonial period. It shows how the advent of colonialism in Mt. Elgon area, colonial administration in Mt. Elgon area, the colonial land policies, introduction of Christianity, rise of schools and decolonization matted and incubated to build up the land question between the Bukusu and Sabaot in Mt. Elgon area during the colonial period

3.2 The Impact of the Advent of Colonialism to the Land Question

Europe witnessed an economic revolution – mercantilism – an economic policy designed to maximize exports was adopted. Historically, this policy led to war and also motivated colonial expansion.²⁸² Africa became a casualty in the last decade of the 19th century of European intrusion. Colonial acquisition was instrumental in stamping authority regarding the balance of power and elevated the nation's commercial and diplomatic bargaining power in Europe.²⁸³

The Berlin Conference of 1884-1885, that structured European colonization and commerce in Africa, is often referred to as the scramble for Africa.²⁸⁴ As a result, Kenya became a sphere of influence of Britain. Kising'ani writes; Kenya before 1895 did not exist, the

²⁸² Emory R.J: *History of Domestic and Foreign Commerce of United States*, (Washington DC: Carnegie institution of Washington; 1915); p.37

²⁸³ Cowie, H.S: *Imperialism and Race Relations*, Revised edition, (Melbourne: Nelson; 1982); p.433

²⁸⁴ Brantlinger, P: *Victorians and Africans: The Genealogy of the myth of a dark continent vol.12, No. 1, 'Writing, and Difference* (Chicago: University of Chicago press; 1985); pp.166-203

inland areas of the present Kenya, were a web of domestic economies comprising of nomadic and sedentary pastoral forms of production and limited shifting cultivation.²⁸⁵

The British had vested interest in Uganda; they wanted to safeguard the source of River Nile which was a lifeline to the Egyptians and to exploit its economic viability. Kenya was the gate way to Uganda thence both Kenya and Uganda were strategic for the British.²⁸⁶

Were notes that the British contact with Mt. Elgon area dates back into 1883, when Scottish explorer and adventurer Joseph Thomson and Martin J., passed through Mt. Elgon on their way to Uganda.²⁸⁷

As previously mentioned, Thomson contribution to the land question in Mt. Elgon is associated with this journey. He named the Mt. Elgon, or *El Kony*, which has since given the Sabaot legitimacy of the area. However, the Bukusu had named it Mt. Masaba before the arrival of the Europeans; Thomson influence has historically thrust the Bukusu and Sabaot into a contest of legitimacy. Were expounds that, in 1889 imperialists Fredrick Jackson and Earnest Gedge arrived in Mumias, the Imperial British East Africa company (IBEACO) administrative station. He was to map out a serviceable map to Uganda; Fredrick Jackson signed a treaty with Nabongo Mumia to make Western Kenya region a British sphere of influence.²⁸⁸

Fredrick Jackson walked around Mt. Elgon and was fascinated with the vast reasons. The mountain was also a source of Ivory; Fredrick Jackson decided to secure the mountain by

²⁸⁵ Kising'ani, E: *Rethinking Frantz Fanon in the context of Kenyan Decolonization Experience 1985-1992*, (Kenyatta University; 2003): P. 55.

²⁸⁶ Omwoyo, S: *The Agricultural Changes in Kipsigis Land c-1894-1963: a historical Inquiry*. (Nairobi: PhD Thesis; Kenyatta University; 2003); p.100

²⁸⁷ Were, G.S (1967a)., *Op.cit*, p. 156

²⁸⁸ Makila, F. E., *Op.cit*, 157

signing the treaty with *Kirwangindet* Kimingichi of the Bok in Mt. Elgon in February 1890.²⁸⁹ An informant intimated that the signing of treaty with *Kirwangindet* of the Bok has always been perceived by the Sabaot as European recognition of Mt. Elgon area as a Sabaot land.²⁹⁰ The activities of Thomson and Jackson demonstrate the practicability of this study theory of constructivists, Fredrick Jackson created a structural conflict between the Bukusu and Sabaot, the signing of the treaty gave the Sabaot audacity to claim Mt. Elgon as the ethno-territorial land.

The Bukusu contact with Arabs during the long distance trade in Mt. Elgon area enabled them to acquire weaponry in exchange for slaves, food and cattle. This boasted their martial supremacy and smugness in the area. Therefore, they defied colonial subjugation.²⁹¹ Makila shares that; the British colonial administration demanded that *Babukusu*, stop fighting other communities, surrender the guns in their possession, release war captive and agree to take part colonial labour conscription.²⁹²

The Bukusu fervidly refused to comply with colonial hegemony even though they ceded holding fugitives and took them to the British administration station in Mumias. Charles Hopley, who was in charge of the Eastern province, decided on a military expedition against the Bukusu at Lumboka fort, one of the famous Bukusu forts, in 1894. The Bukusu-Sabaot antagonism came into play when Sabaot warriors joined the British infantry on an offensive mission against the Bukusu at Lumboka fort. Although the Bukusu resisted the invasion they were defeated and suffered many casualties. The Bukusu

²⁸⁹ Pius Kakai., *Op.cit*, p. 85

²⁹⁰ Leah Chebet, (a nurse at Kapsokwony) interviewed at Kapsokwony on 24/2/2019

²⁹¹ Kakai, P., *Op.cit*, p.87

²⁹² Makila, F. E., *Op.cit*, 157

fugitives fled to their present settlements. The invasion also debilitated the Bukusu aptitude to strike back.²⁹³

Makila concurs when he says;

Colonial troops comprised three Europeans namely, Major Wilson Grant (known among Abaluyia as *Chilande*) from *Busoga*, Captain Sitwell and Surgeon Dr. Ansorng W.J..., their African allies were drawn from *Wanga*, *Bakhayo*, *Sabaot*, *Maasai*, *Teso*, *Swahili* as well as *Baganda*, *Basoga* and *Nubians*. Some of the Africans soldiers joined with parochial motives. For instance, *Wanga* soldiers aimed at looting Bukusu cattle and food crops, the *Teso* and *Sabaot* wanted to revenge against Bukusu earlier attacks.²⁹⁴

An informant's account indicates that the fall of Lumboka fort marked the introduction of colonial administration in Bukusu land. The Lumboka invasion strained the Bukusu-Sabaot relations even further. The Bukusu lost their glory and wealth because of the Sabaot who fought the Bukusu alongside the colonial troops and other mercenaries.²⁹⁵

3.3 The Colonial Administration in Mt. Elgon Area

The urgency to safeguard the source of River Nile by the British to contain diversion of the Nile course by the French situated Kenya and Uganda in the picture. Uganda was the source of River Nile while Kenya was the entryway to Uganda. The British who had occupied Egypt had to move fast and occupy Uganda and Kenya because Uganda was interior.²⁹⁶ The race to acquire colonies in Africa pitted European nation states at a logger head. The Berlin Conference was convened to share colonies in Africa amicably to avoid

²⁹³ Mutoro, H.W, *The Abaluhya Reaction to Colonial Rule: 1880 to 1930* (Nairobi: Department of History; Kenyatta University; 1976); p.7

²⁹⁴ F. E. Makila., *Op.cit*, pp. 88-89

²⁹⁵ *Leah Cherono, (a farmer at Kaptama) interviewed at Kaptama on 9/3/2019*

²⁹⁶ Imbuye, B., *Op.cit*, p.56

military conquest amongst Europeans.²⁹⁷ The British had to declare Kenya their sphere of influence in what Mazrui says; “...a desire to satisfy the British quest for bread and butter.”²⁹⁸

Kakai explains why Mt. Elgon area was crucial to the British occupation by pointing out the late 19th century thinking of Cecil Rhodes in trying to lure Europeans in Africa. Cecil Rhodes described Africa’s arable viability and its serene wildlife as interesting. Kakai comments

...the area is very fertile and appears to produce food in surplus quantities. Besides, Mt. Elgon area was a home of some wildlife and luxuriant wildlife were conducive for European viewing during leisure moments.²⁹⁹

The British established a protectorate with its headquarters in Kampala Uganda and the modern western province of Kenya became its eastern province 1894-1902, eastern province stretched to Naivasha in modern Kenya before it was repositioned to the British East Africa protectorate, the infamous Kenyan colony in 1902.³⁰⁰ Kakai writes;

...in the British East Africa protectorate the name of the province was initially known as Lakes province before changing to Kavirondo and finally Nyanza Province after 1909. Nyanza province included, Nyanza, Western and parts of Rift Valley up to Kalenjini and Ilchamus.³⁰¹

Thus, in 1908, Mumia together with Murunga accompanied the then acting District Commissioner (DC) of North Kavirondo to partition Buluhya into eight administrative units called locations.³⁰² They included Navakholo, Samia, Marama, North Kitosh, Butso, Kabrasi, South Bukusu and Wanga. Some of the borders disgruntled the local

²⁹⁷ Mazrui, A.A: *The Imperial Fragmentations: The Legacy and Racial conflict* (Denver: Colorado University of Denver; 1969) p. 8

²⁹⁸ *Ibid*

²⁹⁹ Pius Kakai., *Op.cit*, pp. 83-84

³⁰⁰ Aseka, E.M., *Op.cit*, p.152

³⁰¹ Pius Kakai., *Op.cit*, p. 85

³⁰² *Ibid*, p. 96

communities, later evolving into seeds of resentment against the Wanga.³⁰³ An informant's account confirmed that Mt. Elgon area was part of *North Kitosh* location under Chief Murunga, the brother of Nabongo Mumia; in fact the Sabaot misconstrued Murunga to be a Bukusu.³⁰⁴

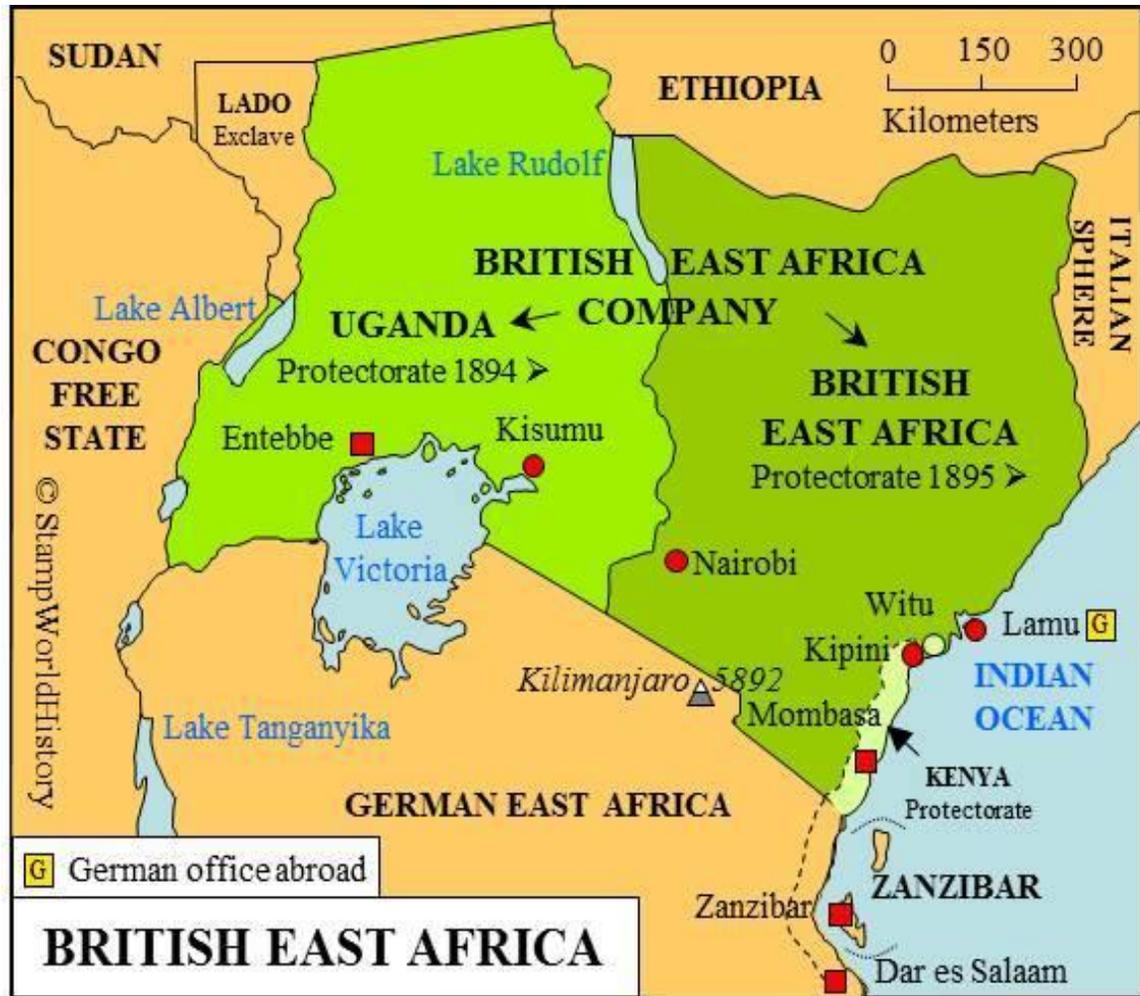


Figure 3.1: The map of British East Africa before 1900
Source: Moi University Department of Geography GIS Lab

³⁰³ Were, G. S(a)., *Op.cit*, p. 167

³⁰⁴ Micah Barasa, (a teacher at Kaptama) interviewed at Kaptama on 9/3/2019

Both Carl Peters of German East Africa Company (GEAC) and Fredrick Jackson of Imperial British East Africa Company (IBEAC), signed treaties with Nabongo Mumia of Wang'a with presumptions that Nabongo wielded power in the entire *Buluhya* or they wanted to use his influence in the region to make entrance in the region. Carl Peters' treaty was nullified by Fredrick Jackson treaty of 1890 making *Buluyia* a British sphere of influence.³⁰⁵ In April 1902, Mumia received official appointment as the chief of *Buluyia* under the Headman ordinance of 1902; in 1912 he was also made Headman under the Native Authority Ordinance.³⁰⁶ Aseka asserts that; "...all headmen and council of the elders in *Buluyia* then under North Kavirondo District were subordinate to him."³⁰⁷

The period between 1902 and 1912 witnessed Mumia imperialism in *Buluyia*. Mumia went about appointing his kin as his point men in *Buluyia*. Were echoes the random splitting of *Buluyia* by Mumia, Murunga and acting District Commissioner Archer into eight units of administration called locations in 1908 as a solid proof of the imperial powers Mumia wielded during his stint as a colonial chief.³⁰⁸

An informant's account assert that the move by Nabongo Mumia, sparked storm in *Buluyia*. In Mt. Elgon area the Sabaot rejected the naming of the location as *North Bukusu* and preferred *North Kitosh*. The use of *North Bukusu* brought into play their conventional antagonism with the Bukusu and was interpreted as Bukusu incomparability in the area.³⁰⁹

³⁰⁵ Were, G. S(a)., *Op.cit*, p.157

³⁰⁶ Osogo, J.N: *A History of Buluyia* (Nairobi: Oxford University press; 1966); p.25

³⁰⁷ Aseka, E.M., *Op.cit*, p.152

³⁰⁸ Were, G.S (a)., *Op.cit*, p. 167

³⁰⁹ Millicent Nakhone, (a religious leader at Cheptais) interviewed on 12/3/2019

Kakai confirms that the adoption of ‘*North Kitosh*’ as opposed to *North Bukusu* was arrived at as a compromise after the Tachoni and Sabaot overruled the latter.³¹⁰

North Kitosh location became the home location for Mt. Elgon area, Chief Suleiman Murunga, Nabongo Mumia’s brother was appointed by Mumia to head *North Kitosh* location. As a location *North Kitosh* comprised of the Sabaot who were the majority, the Bukusu and the Teso. The Chiefs were installed superficially to oversee the colonial administration in the locations. This included the collection of taxes and mobilization of labour for colonial public works. Chief Murunga was ruthless in dispensing his duties. An informant’s account confirmed that the Sabaot believed that Murunga was a Bukusu or was acting in favour of the Bukusu. This strained the Bukusu-Sabaot relations even further.³¹¹

Imbuye notes that; people were encouraged to take their animals for auction to raise animals for the colonial government. This enabled the colonial government to acquire animals at a very cheap price; taxes were also increased to cater for emergency war fund, ambulance fund, Kenya African Rifle (KAR), the pioneer corps and other units of the corps.³¹²

The informant’s account corroborates that as an indication of resistance against the British the Sabaot decided to keep dreadlocks. The Sabaot expected foreign intrusion in their land as a discerned by their *Oloibon* but interpreted this incursion as the Bukusu offensive in their land. Chief Murunga, a *Muwanga* (sic) ordered the pulling off the Sabaot dreadlocks. The experience was harrowing and scary those who survived the ordeal run away or hid in

³¹⁰Pius Kakai., *Op.cit*, p. 97

³¹¹ *Millicent Ruto, (a student at Cheptais) interviewed at Cheptais on 11/3/2019*

³¹²Imbuye, B., *Op.cit*, p. 65

caves. The Sabaot interpreted this brutality and odious maladministration by chief Murunga as Bukusu vengeance for their age old enmity.³¹³

Chief Murunga did not spare the Bukusu either, a massive movement of population was witnessed in the area. Bukusu and Sabaot fugitives sought refuge in Trans Nzoia to work on settler farms. The Sabaot renegades created a vacuum by leaving their homes, the Bukusu escapees who were moving uphill occupied their deserted homes and land.³¹⁴ This turn of events contributed to the land question in Mt. Elgon area. Wekesa sheds more light on this when he says; pioneer corps were being recruited in Nyanza province and the colonial chiefs did it very brutally. This forced some members in Kitosh region, the Sabaot included to evade conscription by relocating to the established white settler farms in Trans-Nzoia to work for wages in the farms.³¹⁵

The chiefs executed their duties in despotic and atrocious way resulting in pressure in Mt. Elgon area. Colonial chief Tendetti of Elgon Nyanza filled a complaint in the Mumias administrative centre against the Bukusu incursion in the Sabaot ancestral land.³¹⁶ Nonetheless, not everybody ran away during conscription and repressive reign of Chief Murunga. A section of the Sabaot and Bukusu volunteered for conscription and provision of labour. Sabaot were mainly conscripted because of their warrior skills orientation. The Bukusu on the other hand were absorbed in the construction section due to their heavy muscles. Restraining measures was embraced to enclose the influx in the settlers' farms in Trans-Nzoia. Working days were increased from one hundred and eighty to two hundred

³¹³ *Millicent Yebei, (a politician at Kapsokwony), interviewed at Kapsokwony on 7/3/2019*

³¹⁴ Information from Kenya Archive: KNA/PC/NZA/3/1/1/1909

³¹⁵ Wekesa, P.W.: *Politics and Nationalism in colonial Kenya: The case of the Babukusu of Bungoma districts-c 1894-1963* (Kenyatta University; 2000); p.194

³¹⁶ *Information from Kenyan archive: KNA/PC/NZA/3/14/SECTION NO.15 Land Boundaries, chief Tendetti complaints*

and forty days a year to discourage the high volumes of population movement to Trans-Nzoia escaping conscription and construction labour in *North Kitosh*.³¹⁷ Kitembe shares that;

...those who did not join the military camps were forced by the agents to provide food and cattle for the army. The amount of taxation was also increased to cater for the war fund.³¹⁸

The reign of Chief Murunga in *North Kitosh* reinforced the long-established Bukusu-Sabaot enmity in Mt. Elgon area. Even so, he was not a Bukusu, but some of the Sabaot misconstrued him to be a Bukusu. Most of them believed he worked in favour of the Bukusu and was harsher to the Sabaot. Besides, the Bukusu moved in and occupied the vacuum created by the fleeing Sabaot. They took over their land and moved in their homes, all this happened under the watch of Chief Murunga. This development contributes immensely on the land question in Mt. Elgon area.

An informant's confirms that the Sabaot believe that the Bukusu infringed on their ancestral land when they sought refuge in Trans-Nzoia. Most of the Sabaot absconders who moved to Trans-Nzoia did not return back to Mt. Elgon area instantaneously or settled in Trans-Nzoia giving the Bukusu leeway to settle around Mt. Elgon area.³¹⁹

Bukusu in *North Kitosh* location also resented Chief Murunga tyrannical authority; this may possibly be interpreted as a result of their frosty association with the Wangas. They also argued that Murunga was imposed on them and he did not symbolize their choice. Due to the influence of the Quakers (Friends Church) in *North Kitosh* the Bukusu and Sabaot unified and successfully rebuffed Chief Murunga. *North Kitosh* was split into two locations Malakisi and Elgon. Malakisi and Elgon locations were homes for both the Bukusu and Sabaot.³²⁰

³¹⁷ Mungeam, G.H: *John Ainsworth in ed. Kipkorir, B.E. Imperialism and Collaboration in Colonial Kenya* (Nairobi: East African publishers; 1980); p. 52

³¹⁸ Arap-Kitembe, B.B.C: *The role of 'Wogondet and Kirwagindet' in the History of the Sabaot People of Mount Elgon during the Late Nineteenth and Twentieth Centuries'* (B.A. Dissertation, University of Nairobi; 1978);p. 28

³¹⁹ Regina Chesebe, (a farmer from Kopsiro), interviewed at Kopsiro on 23/2/2019

³²⁰ Pius Kakai., *Op.cit*, p.113

The activities of colonial chieftainship especially the reign of chief Murunga in Mt. Elgon area sheds insights to this study theory of constructivism, the creation of colonial boundaries created structural conflicts between the Bukusu and Sabaot. Chief Murunga was viewed as an agent of the Bukusu or a Bukusu by the Sabaot deepening ethnic stereotypes against the Bukusu. The activities of colonialists created ethnic identities between the Bukusu and Sabaot.

Stefano a Bukusu became the new chief of Malakisi while Chief Tendetti rose to the chieftainship of Elgon location. Stefano was favoured by the Sabaot because he had married Jacobo's daughter –a Sabaot from the Bok. Stefano appointed his father-in-law Jacobo to be the president of the Location Council.³²¹

An informant account reveals why the Sabaot entrusted Stefano to the chief ship position, the informant shares that the Sabaot considers the Bukusu as inferior to their wives to the extent of being submissive to them. The Sabaot also married off their daughters to radical Bukusu to trick them into submission.³²²

Elgon location experienced rather calm inter-ethnic relations because of the Sabaot resounding majority. However, Malakisi location became an epicentre for Bukusu-Sabaot pre-eminence. After the succession of Stefano by Jeremiah Kukubo in 1935, the Bukusu-Sabaot relations in Malakisi location strained. Stefano's succession was a hot contest that ripped the Bukusu and Sabaot apart, a win for Jeremiah was considered a win for the Bukusu. Kakai extends that;

³²¹ Information from Kenya archive: KNA/DC/EN/3/1/2:1920s-1950s political record

³²² *Mary Wanyama, (a politician from Kapsokwony) interviewed at Kapsokwony on 7/3/2019* Simon Ngeywa, *at kapsokwony onym Kapsokwony) interviewed at kapsokwony ony on 7/3/2019* 199

It is argued that for Jeremiah to have succeeded Stefano, he first won in a contest that pitted him against Jacobo a Bok. This victory revived ethnic sentiments between the two sub-ethnic communities. Consequently, Jeremiah encouraged Bukusu to settle in the northern part of Malakisi taking up land that might have been used for future expansion by the Bok themselves in April 1945. The Bok elders complained that the chief always addressed public meeting in *Lubukusu* knowing well that most Bok were not conversant in that language.³²³

An informant account reveals that the Sabaot failed to turn up on the Election Day because most of them were herding cattle. Their mobilization was improbable making possible for Jeremiah to rout Jacobo. Jeremiah encouraged the Bukusu to acquire land in North Malakisi, areas perceived to be Sabaot familial lands. Bukusu moved into the area and settled there during his reign. The functionality of this study's instrumentalist theory comes into play here. The Bukusu were taking over vacant land as their means of production due to their cultivation background at the expense of the Sabaot who are disadvantaged by the local leadership.³²⁴

The Sabaot complained that Chief Jeremiah discriminated them while allocating conscription quotas, three quotas were taken from the Sabaot compared to one from the Bukusu. The Bukusu population in the area doubled that of the Sabaot; the Sabaot argued that they were mistreated during the exercise as a way to tame them. They also decried bigotry in issuance of business permits by Chief Jeremiah, who they maintain favoured the Bukusu.³²⁵ Chief Jeremiah was eventually ousted; his succession was also preceded with clan rivalry and Bukusu-Sabaot factor.

³²³ Pius Kakai., *Op.cit*, p. 115

³²⁴ Mary Nasimiyu, (a student from Cheptais) interviewed at Cheptais on 11/3/2019

³²⁵ Information from the Kenya archive: KNA/PC/NZA/3/1423-1944-1949 section no.16 Lands: Boundaries, boundary disputes and Walago –Bok

The Sabaot rallied behind Daniel Simiyu from the *Bamusomi* clan who was also the brother to the ex-chief Stefano while the Bukusu rallied behind Jonathan Barasa of the *Bakiyabi* clan.³²⁶

Kakai writes;

In the period when Malakisi Chieftain was vacant, Chief Sudi of south Bukusu acted as Chief in Malakisi location for a whole year. Sudi supported Daniel and Sudi's subjects turned up at the actual election where people lined up behind candidates of choice, when this was pointed out to the DC, Sudi's group was removed. Consequently, Jonathan won narrowly polling nine hundred and forty nine against Daniel's nine hundred and forty six.³²⁷

The Sabaot accused Chief Jonathan Barasa of rigging the election. They claimed that he used unorthodox means by sneaking in hired voters from Uganda. In spite of this controversy, Chief Jonathan Barasa assumed office as the Chief of Malakisi Location in 1946.³²⁸

An informant's account point out that Chief Jonathan Barasa's reign was equally an extension of Chief Jeremiah's policies of marginalizing the Sabaot. Chief Jonathan Barasa encouraged the Bukusu to acquire more land in north Malakisi and when private land registration was introduced in 1959, he prioritized Bukusu in land registration to cushion them from Sabaot eviction in case of land clashes in the area.³²⁹ The Sabaot based on informants were marginalized by the Bukusu during the colonial period. Majority colonial chiefs in Mt. Elgon area were non-Sabaot. Chiefs like Jeremiah Kukubo, Suleiman Murunga and Jonathan Barasa are unpleasantly cited as having expedited the Bukusu

³²⁶Wolf, J.J: *Differentiation and Integration in Western Kenya* (The Hague: Morton and Co. Bv; 1977); p, 175

³²⁷*Ibid.*, p, 176

³²⁸ Pius Kakai., *Op.cit.*, p.118

³²⁹ Merit Wekesa, (a teacher at Cheptais) interviewed at Cheptais on 11/3/2019

getting hold of land in Mt. Elgon area. This has brewed a historical crisis that has spanned for ages and has been a contributory factor in the development of the land question in Mt. Elgon area.³³⁰ Wolf states that, "...Mt. Elgon area was sparsely populated before 1950; it started acquiring rapid increase in population between 1948 and 1962".³³¹

3.4 Colonial Land Policies and their Impact on the Land Question in Mt. Elgon area

As discussed in the previous chapter, the Truth Justice and Reconciliation Commission (TJRC) give a picture of the pre-colonial land tenure system in Kenya. Land proprietorship was customary and communal devoid of any documentation proof of entitlement. The clan was the definitive body vested with authority over land matters. Private ownership of land therefore in pre-colonial African societies was infrequent.³³²

The TJRC report outlines a trajectory of land reforms in Kenya, from customary and communal freeholds in the pre-colonial period, through land alienation in the course of the colonial period under the pretext of land tenure reforms to the registration of land in Kenya under private land for individuals with title.³³³

At the behest of the Berlin Convention of 1884-1885, the British in Kenya and Uganda initiated enactment of land laws that afterward created prospect for colonization of the East African region, aggravated Indians rivalry in East Africa, alienated Africans land to create room for white settlers and the construction of public utilities and development of infrastructure to facilitate exploitation of resources in the interior.³³⁴

³³⁰ Michael Kipketer, (a farmer at Cheptais) interviewed at Cheptais on 11/3/2019

³³¹ Wolf, J.J., *Op.cit*, p.9

³³² Nang'endo, W.D: *The operation of Kavujai Land control board, Kavujai Division of Bungoma District*, (Nairobi: LBB dissertation: University of Nairobi; 1981); p. 10

³³³ Truth Justice and Reconciliation Commission report, 3rd May, 2013, p. 251

³³⁴ Imbuye, B., *Op.cit*, pp. 67-69

Kakai adds that; besides new administrative structures erected by colonialists, new system of land rights were also introduced by the colonial administration. The paradigm shift therefore thrust new land tenure systems that were inconsistent with the hitherto family, clan and communal centred land proprietorship system.³³⁵

In 1890, the Foreign Jurisdiction Act was promulgated paving way for European to legally negotiate, buy or conquer African land in East Africa. This legal dispensation occasioned an influx of European explorers in East Africa some who bought land; others signed treaties with local leaders and in some extreme cases military conquest was applied to acquire land in East Africa.³³⁶

The TJRC report recounts African land tenure system prior to European intrusion as follows. That;

Before the commencement of colonization by the British, each of the various indigenous ethnic communities in the region now known as Kenya communally occupied distinct territories in various parts of what constitutes the land within the country's internationally-recognized borders. The history of Kenya indicates inward migration of a whole group (ethnic communities) of people and settlement by the groups (communities/tribes) in areas distinctly identified by their presence, wherein and was allocated by tribal leaders to families for cultivation or grazing depending on need and in accordance with traditional customs and practice.³³⁷

The Foreign Jurisdiction Act ushered in a new era of land tenure system. African traditional customs regarding land were disrupted systematically to the advantage of the European. In 1890 Fredrick Jackson signed a treaty with *Kirwangindet* Kimingichi of Bok

³³⁵Pius Kakai., *Op.cit*, p. 101

³³⁶ Mweseli, O: *The Reform Debate in Kenya in Wanjala. S.C. essays on land law*, (Nairobi: Faculty of Law UON; 2000); pp. 3-22

³³⁷Truth Justice and Reconciliation Commission report, *Op.cit*, p. 67

in Mt. Elgon area to secure the area for the British East Africa protectorate exploitation of Ivory and wildlife in the region.³³⁸ The treaty signing was signed with the initiation of both parties in blood brotherhood; this was Jackson trick to blindfold the *Kirwangindet* of the British sincerity. An informant account submits that by signing the treaty with a Sabaot leader, the Sabaot construed this as the British recognition of Mt. Elgon area as a Sabaot land. Nevertheless, the treaty gave the British authority in the area.³³⁹

In 1894, the Indian Land Acquisition Act was promulgated and was influential in getting hold of African land by the British for the railway and other public use.³⁴⁰ Kakai restates that in 1894 the chartered company entrusted by the British government to administer East Africa (Kenyan and Ugandan protectorate) enacted radical land laws and reforms that became a provision and leeway for the leasing of land in East Africa for grazing, residential and agronomy.³⁴¹

Even though this provision did not affect directly the Bukusu and the Sabaot in Mt. Elgon area, it exposed them to future foreign intrusion in their land for the stipulated reasons. A series of ratifications followed when Kenya became a protectorate in 1895, every new law deprived Africans' land rights at the expense of the Europeans creating the historical land conflicts experienced in Kenya. Wafula noted that the 1897 legislation granted European a legal avenue to acquire land in East Africa through leasing for a renewable span of twenty one years.³⁴²

³³⁸ Were, G.S (a), *Op.cit*, p.157

³³⁹ Nancy Wekesa, (a religious leader at Kaptama) interviewed at Kaptama on 9/3/2019

³⁴⁰ Sorenson, M.P.K: *Origin of European settlement in Kenya*, (Nairobi: Oxford University press; 1968); p. 53

³⁴¹ Pius Kakai., *Op.cit*, p. 101

³⁴² Wafula, S, *Op. cit* p. 20

The East African order in council of 1898 permitted the commissioner in Trust to sell and lease land. This increasingly transferred African customary claim on land to the commissioner. This was done in anticipation for an influx of white settlers in the colony.³⁴³

In 1901, the East Africa order in council defined crown land. This provision gave His Majesty the prerogative to directly control public land that had been acquired through treaties, conventions or agreements as crown land. Africans' lost their land in East Africa that had been acquired by the Europeans treaties, agreements and conventions to the crown. This also affected Mt. Elgon area, the Asian community was also prevented from occupying the white highlands by the decree of this stipulation. This was one of the first serious legislative provisions of land alienation. Wafula notes that;

Crown Land was; 'all public lands within the East Africa protectorate which for the time being are subject to the majesty by virtue of any treaty, convention or agreement, or his majesty's protectorate, and all lands which have been or may hereafter be acquired by His Majesty under the; "Lands Acquisition Pact, 1895 or otherwise howsoever.'³⁴⁴

In 1902, the commissioner promulgated the crown Land ordinance that stated that the commissioner could sell freehold estates in land, the ordinance stated the rights to land for African settlers and unoccupied land could be sold or leased.³⁴⁵ Wafula says that the laws exposed African land to foreigners and revolutionized land in Kenya into a commercial enterprise at the mercy of the highest bidder.³⁴⁶

The crown land ordinance was ground breaking for the getting hold of land by the commissioner who later granted white settlers portions of land in what was christened

³⁴³ *Ibid*

³⁴⁴ *Ibid*, p. 18

³⁴⁵ Nasimiyu, R, *Op. cit*, p. 64

³⁴⁶ Wafula, S., *Op.cit*, p. 20

‘white highlands.’ Land was sold at two rupees per acre or lease at a rental value of fifteen rupees per one hundred acres.³⁴⁷

In 1904, the British introduced a policy to settle African natives on native reserves. These native reserves were formed on the basis of their ethnicity. They later became the administrative units known today as locations and districts. In 1913, the colonial government recognized under the crown land ordinance African settlements as ‘reserves’. This provision restricted Africans in their present settlements.³⁴⁸ During this period, the Sabaot were uprooted from Trans-Nzoia to usher in settler settlement. Trans-Nzoia as earlier clarified extended to the present Bungoma County and the reaches of Uasin Gishu County. The TJRC report, explains further;

As early as 1913, the Sabaot, then known as Elgon Maasai, suffered forced eviction by the British settlers who ordered them to move out of Trans-Nzoia to pave way for white settlement. In 1914, the following, forceful eviction of the Sabaot community was intensified by settlers in an operation dubbed ‘*Elgon Kwenda operation*’ which involved among other things confiscation of their livestock.³⁴⁹

The Crown Land Ordinance of 1902 was revised in 1915 to incorporate crown land as land occupied by natives and land reserved by the governor for use and support natives. The 1915 crown Lands ordinance marked complete disinheritance of the native Kenyans from their land by colonial authorities. Europeans settlers granted sales of such land held their land under individual tenure.³⁵⁰ The problem of landlessness was introduced into Kenya by this sanction. Land occupied by the indigenous communities became crown land. This is supported by Imbuye who writes;

³⁴⁷ Pius Kakai., *Op.cit*, p. 102

³⁴⁸ Nasimiyu, R., *Op.cit*, P.63

³⁴⁹ Truth Justice and Reconciliation Commission report., *Op.cit*, 2013, p. 189

³⁵⁰ Information from the Kenya Archive; KNA/PC/NZA/3/14/29B:1949-56 –prior to 1952

“...ever since the court declared Africans as Tenants at will of the crown following the promulgation of the crown lands ordinance in 1915, the problem of land landlessness was born.”³⁵¹

This enabled the Europeans settlers to occupy a colossal chunk of lush land in Kenya. The white highlands incorporated Trans-Nzoia. Nevertheless, disparate to its present size, by November 29th, 1912, Trans-Nzoia’s westerly border line included a section of Bungoma, Lugari, and Mt. Elgon and Uasin Gishu districts. The expanse from the source of River Kamukuywa which surface from Mt. Elgon forest, through River Kibisi and Nzoia intersection to River Kipkaren on the reaches of Marabusi hills.³⁵²

TJRC report indicates;

As the British colonial administration forced Africans into reserves purposely designated in marginal and unproductive areas which were also very limited in size considering the numbers of individuals’ community members and the likely increase in their population, they took over African communities land and the land left behind then formed part of the crown land.³⁵³

A section of Mt. Elgon area became part of white highlands. Both the Bukusu and Sabaot in Mt. Elgon area lost their customary rights over their hitherto familial land either as a white highland or as crown land. Africans became squatters and were forced to provide menial labour to settler farms; they were also over-taxed in the process. Frosts clarifies that to contain Africans from switching employers anyhow, a combative law was enforced in 1919 introducing Kipande as a measure to regulate Africans mobility in the colony.³⁵⁴

³⁵¹Imbuye, B., *Op.cit*, p. 67

³⁵² Information from the Kenya Archive; KNA/PC/NZA/3/7/2/2 1912-1923 –Report on Eastern Boundary, North Kavirondo Reserves,

³⁵³Truth Justice and Reconciliation Commission report., *Op.cit*, p. 184

³⁵⁴Frost, R: *Race against Time* (London: Rax Collings Ltd; 1997)

This turn of events is the root cause of perennial land conflicts in Kenya and particularly Mt. Elgon area because at independence the land problem was not adequately solved creating historical inter-community acrimony and retribution tendencies. An informant account indicated that the Sabaot claim Mt. Elgon area was their familial land and that Europeans encroachment and land legislation over-time gave the Bukusu a leeway to impinge on their land.³⁵⁵ In 1920, Kenya became a colony. The Kenya Annexation Order in council of 1921 and Kenya Colony Order Council of 1921 took away all native land rights to the crown as condemning them as tenants at the will of the crown. This augmented settler populace in Kenya.

Kakai writes that African communities did not sheepishly carve in to land alienation from their ancestral land. They stayed put or resisted until they were forcefully evicted, their houses torched and property vandalised by colonialists.³⁵⁶

In relation to this time, one of the Kony elders named Korus disagreed with his kin Kiptek. Korus moved to Trans-Nzoia with his followers because he was a very influential elder. This left a chunk of vacant land in Mt. Elgon area which gave the Bukusu the latitude to move in and occupy the vacated lands. Incidentally, the colonial government gazettelement of Mt. Elgon forest area led to more Sabaot moving away from Mt. Elgon Moorland area to Saboti Division of Trans-Nzoia in search of pasture for their livestock.³⁵⁷ In this regard Bailey reiterates that; in the 1920's Africans in Kenya began to form organizations to give voice to their grievances. One of the first groups to be formed was the East African

³⁵⁵ Noah Wanjala, (a religious leader at Kopsiro) interviewed at Kopsiro on 23/2/2019

³⁵⁶ Pius Kakai., *Op.cit*, p. 104

³⁵⁷ Information from Kenya Archive; KNA/PC/NZA/2/10/7:31-51: Forestry, North Kavirondo, Mt. Elgon 1931-1951

Association (EAA) under the leadership of Harry Thuku, a young clerk working in the Treasury.³⁵⁸

The TJRC report, expounds more on the alienation during this period that affected the Sabaot in Trans-Nzoia which then included a section the present of Bungoma County and Uasin Gishu County it states that the onset of the second decade of the twenty century witnessed further expulsion of the Sabaot from Trans Nzoia between 1921 and 1922, after the area was declared a crown land. The remaining population were forced into farm labourers on European farms. As a result, African natives within Trans Nzoia by 1924 were declared squatters.³⁵⁹

An informant's account points out that the Korus and his followers created room for the Bukusu expansion in Mt. Elgon area. The Bukusu moved in and settled in the vacant and deserted areas in Mt. Elgon which up till then were Sabaot familial land.³⁶⁰ Kisémbé confirms this;

Furthermore, with the Mt. Elgon forest area gazette by the colonial government, there was exerted more pressure on pasture land. Consequently, since 1930 Kosus and his followers together with other Sabaots crossed River swam to settle among the Sebeyi in Uganda. But, Kosus himself returned to Trans-Nzoia where he stayed until his death.³⁶¹

The colonial government continued to institute land laws during the colonial era, ostensibly to advance marginalization of Africans while exploiting the virgin resources. The colonial government hoodwinked Asians and Africans under the pretext of protecting of African land interests in the drafting of the Devonshire White paper. Their insincerity

³⁵⁸Jim Bailey and Garth Bunde: Kenya: *The National Epic* (Nairobi: Key way publication; 1993); p. 24.

³⁵⁹Truth Justice and Reconciliation Commission report, *Op.cit*, p. 189

³⁶⁰Patrick Luseno, (a farmer at Kopsiro) interviewed at Kopsiro on 23/2/2019

³⁶¹Arap-Kisémbé, B.B.C, *Op. cit*, p. 108

was reflected in unrelenting grip of the white highlands in their resolution to settle the Indian question.³⁶² The TJRC report indicates that; in 1926, the Hilton Young Commission was instituted to probe into African interests on Land. It looked into possible closer union of the British territories in East and Central Africa; it recommended that a form of association would result in cost reduction and initiate rapid development in the region. The TJRC report, recaps that Kenya (native areas) ordinance was established principally to make available a policy framework for the setting up of African reserves and their official recognition forthwith.³⁶³

The native land trust ordinance of 1930 was as a result of the commission, with provisions to encourage Africans economic development in the reserves; it also precluded the reserves from alienation except for public use and stipulated compensation for such alienation.

TJRC Report asserts that;

the Lands trust ordinance passed in 1930, had indications of intention to confer Africans ownership and use of rights over land in the reserves and to protect the rights by stating, for example, that in the reserves, land was set aside for use and benefit of African communities forever and prohibiting alienation of such land except for public purposes, in which case, land of equal value was to be substituted.³⁶⁴

The following year, the Sabaot in Trans-Nzoia which as asserted earlier included a section of the present Bungoma County and Uasin Gishu County in the defunct Rift Valley province, were roughed up by the colonial authorities together with their livestock and moved to Uganda and Maasai reserve in Narok. The Truth Justice Reconciliation Report (TJRC) report indicates that; in 1931, the then District Commissioner John Lionel

³⁶² Shiroya, O.J.E: *Dimensions of Nationalism: The African Context* (Nairobi: Jomo Kenyatta Foundation; 1994); p. 35

³⁶³ Truth Justice and Reconciliation Commission report., *Op.cit*, p. 185

³⁶⁴ *Ibid* 184

Bretherton Llewellyn, moved two hundred members of the Sabaot with their five thousand six hundred heads of cattle to Sebei country (District) in Uganda while between twelve and fifteen remaining families were sent off to the Maasai reserve in Narok and West Suk (Pokot District).³⁶⁵

Africans were introduced to an economic exploitation system that was inhumane and stringent measures were instituted to curtail them from deserting provision of labour and their movement. The TJRC report asserts that;

Related to the establishment of reserves were other measures whose end result was exposure of individuals and families to landlessness and poverty—the introduction of forced labour, forced military service and forced taxation upon communities already held captive in define reserves. The financial and political measures introduced included the information of Hut and poll taxes under the native Hut and poll tax ordinance, the master and servant’s ordinance, and the 1918 Resident Native (Squatters) ordinance and Kipande.³⁶⁶

The native land trust amendments of 1932 declared that land could temporarily be excluded from natives to grant lease for the development of mineral resources. Jim Bailey states that; the British parliamentary committee urged the government to examine African grievances, especially the land problems, leading to the appointment of the Kenya land commission, in 1932, which reported in 1934.³⁶⁷

The Carter Commission of 1932 to 1934 that was led by William Morris published a report in 1934 stating that Africans had no claim on the white highlands, if there were any claims at all. It outlined that they were to be compensated and not to be given land. Upon compensation, all customary rights were to be relinquished forever. The report

³⁶⁵ *Ibid*, p. 190

³⁶⁶ *Ibid*, p.184

³⁶⁷ Jim Bailey and Garth Bunde., *Op.cit*, p. 27

recommended that the settlers' security of ownership of the white highlands be guaranteed by an order in council. This was done in the 1939 Kenya (highlands) order in council, in the same year the Kenya (Native Areas) order council was enacted to set up the Native Trust Board which was to hold trust land for natives. The same order amended the definition 'land' in the Government lands (repealed) Act (1915) this changed the meaning of 'crown land' to include land held by the natives. The TJRC report advances that;

When an opportunity became available, they were the first African community in the region now Kenya to present their claims to the Carter commission on land that had been set up by the British. The commission led by Sir William Morris recommended eighty thousands hectares of land in compensation for lost livestock and homes. But this was not honoured.³⁶⁸

In 1938, the native land trust ordinance was enacted following the recommendation the Carter Commission. Superficially, the provision was to resettle Africans that had been dislocated through forceful eviction.³⁶⁹ The Sabaot was not considered in allocating them a reserve like other communities. The TJRC report indicates that; the situation of the Sabaot including their livelihood was worsened by the fact that when in 1938, a Native Land Trust Ordinance was legislated for the purpose of settling African communities that had been dispersed and detribalized through forceful evictions; no reserve was established for the purpose of the Sabaot/ Elgon Maasai.³⁷⁰

In 1954, the Sweynnerton plan for the Reform of African Land tenure was approved to reform agricultural policies to develop agriculture in Kenya. These policies were aimed at expanding native cash crops production by improving the market distribution and

³⁶⁸Truth Justice and Reconciliation Commission report., *Op.cit*, p. 190

³⁶⁹ Ghai, Y.: *Public law and political change*, (Nairobi, London, Oxford University press, 1970); p. 27

³⁷⁰Truth Justice and Reconciliation Commission report., *Op.cit*, p. 190

infrastructure use. The rules made thereunder were the native land tenure rule (1956) in which African land ownership was recognized. The TJRC report shares that;

A policy in the form of the Sweynnerton plan was developed in 1954 which stated that the traditional systems of tenure in African reserves promoted fragmentation of land holding into smaller and uneconomical land units for production and sought to provide solutions to improve and make African tenure systems contribute to the economic development of the colony. For the first time, the colonial administration, through the Sweynnerton plan, allowed Africans to not only buy land and acquire titles to land in the white highlands but also facilitated the acquisition of credit and removed the restriction on the cultivation of export crops by Africans.³⁷¹

The Sweynnerton plan was faulted for failing to cater for African customary land tenure system concerning land ownership, and introduced registration of land through title registration. This did not please Africans who considered them foreign. The provision introduced gender biasness in the registration of land. Families with absentee male heads of families were discriminated in this dispensation.³⁷² The TJRC report says that;

Measures that were provided for and implemented under Sweynnerton plan failed to properly factor Africans's widespread customary land tenure and introduced a title registration aspect of colonial land tenure that was both alien and incompatible with African's land holdings, use, distribution and transmission customs and practices. Land was also registered in the name of present male-heads of households who were conferred use rights without recognition of the rights of female heads of households whose husbands were still operating in MAUMAU.³⁷³

In 1956, legislations were affected to set out a legal policy framework and principles that would enable institutionalization and execution of land tenure reforms in Kenya. The land registrations in Kenya in 1959 invalidated and decimated existing African customary land rights at the detriment of the affected communities. The land control ordinance remained

³⁷¹ *Ibid.*, p. 195

³⁷² Nasimiyu, R., *Op cit*, p. 66

³⁷³ Truth Justice and Reconciliation Commission report., *Op.cit*, p. 190

limited in the exclusive white highlands. The colonial land policies steadily displaced Africans from their familial land; the communities lost their customary rights over land just as they were displaced to new areas.

An informant account clarifies that the colonialist presided over the disruption of Africans land tenure system and introduction of new legal policies that did not recognize African traditions and customs. During the colonial period in Mt. Elgon area, both the Bukusu and the Sabaot lost their land to the Trans-Nzoia settlement scheme that was hived from a section of Mt. Elgon area. The Sabaots suffered the most as they were evicted in Mt. Elgon area when the colonial government gazetted Mt. Elgon forest and when they were evicted in Mt. Elgon area to Uganda and Maasai Mara game reserve to pave the way for the establishment of settler schemes. At independence, land in Kenya was categorised under public, private and community tenancy system. The Sabaot claim of Mt. Elgon area was not recognized at independence creating inter-ethnic animosity in the area.

Colonial land policies highlights this study theory of constructivism, through the colonial land policies, the British colonial administration constructed structural conflicts between the Bukusu and Sabaots through the alienation of their land through dispossessing one community at the expense of the other. The Sabaots decry suffering in the hands of the colonialists at the expense of the Bukusu.

3.5 Christianity and its Impact on the Bukusu-Sabaot Relations

The Afro-centric writers' dictum *the flag followed the cross*, sums up how the colonialists were preceded by Christian missionaries who prepared the way for the impending colonial rule in Africa. Some of the missionaries like David Livingstone also doubled up as an explorer; and medical doctor. It would seem that many of the missionaries and explorers

were professionals sent for geographical survey in a religious disguise. But this study does not probe into that. Nonetheless, both European missionaries and colonial administrators have been accused of orchestrating regrettable tragedies of ethnic antagonism through their designed activities and policies in the colonial period.³⁷⁴ Whether it was by design or default it is a matter of debate, but Samita argues that, most of the changes affecting Kenya today, whether political, economic or socio-religious is deeply rooted or connected to the arrival of the colonial imperialists and Christian missionaries.³⁷⁵

The earliest Christian missionaries to arrive in East Africa were the Church Missionary Society's Johann Rebman and Johann Ludwig Krapf in 1844 and 1846, respectively. They set up a mission station at Rabai.³⁷⁶ Later at the onset of the century, the Friends African Mission (FAM) and the Catholics were the pioneer religious denominations to be established in Mt. Elgon area and Western Kenya, correspondingly. The Friends African Mission (FAM) set up their first mission at Kaimosi in 1902 before spreading to other parts of the region including Mt. Elgon area soon after. Samita presents that, Mt. Elgon region is associated with the Friends African Industrial mission (FIAM) as well referred to as the Quakers. They were the pioneer proselytizers to arrive in western Kenya in 1902.³⁷⁷

The Friends Industrial African Mission (FIAM) rebranded to Friends African Mission (FAM) around the same time. The former activities were a blend of industrial and mission work which included conversion of the masses, provision of western education and civilization of indigenous Africans. They set up an industry Department at Kaimosi, in

³⁷⁴ Gimonde, E.A: *Culture and History: A Religious Experience of the AVALOGOLI AD 1850-1945*, (M.A Thesis: Kenyatta University; 1993); p.144

³⁷⁵Samita, Z.W.: '*Pneumatology in the African Church of the Holy Spirit in Kabras Division, Kakamega District.*' (M.A Thesis, Kenyatta University; 1992); p. 85.

³⁷⁶ Okoth, A : *A History of Africa*, (Nairobi: Bookwise Limited; 1980); p. 45

³⁷⁷ Samita, Z.W., *Op.cit*, p. 90

contemplation that it was necessary in founding a Christian civilization in the midst of a barbarous people. The Friends African Mission (FAM) had fewer industrial activities and focused more on mission work.³⁷⁸ Gimonde revealed that; it rebranded to Friends African Mission (FAM) owing to its attention on the missionary undertakings with less prominence on industrialized aspects and set up the first mission station at Kaimosi.³⁷⁹ From Kaimosi the Quakers expanded northwards into Buluyia to the present day Bungoma County, in Lugulu in 1913. Lugulu was part of *North Kitosh* location; it was also home to one of the Bukusu greatest fort Lumboka, which fell at the advent of European imperialism in the region. Kakai posits; they increasingly spread to other areas as well as Lugulu or *Kitosh* outpost in August 1913, between 1913 and 1920, under the pioneer missionaries Dr. A.B. Stock and Mr J.W. Ford.³⁸⁰

The second decade of the 20th century witnessed an aggressive expansion of the Friends African Mission in *North Kitosh* locations. They built countless schools and facilitated upward trends in schools enrolment. Mt. Elgon area was part of *North Kitosh* location under Chief Murunga. An informant's accounts add that, Murunga supported the missionaries' activities in the locations and often provided security to the missionaries, he also oversaw, community mobilization in mission work.³⁸¹ Wolf sheds light on this by indicating that;

Between 1920 and 1930 Quaker expanded rapidly in what was administratively known as *North Kitosh*. In 1921 there were sixteen schools with an average attendance of one thousand eight hundred pupils. There were twelve full registered members of Quakers, in 1926, the average

³⁷⁸ Information from the Kenya Archive: KNA/EAYMF 64/80, 1910

³⁷⁹ Gimonde, E.A., *Op.cit*, p.143

³⁸⁰ Kakai, P.,: *Social Concepts in the initiation Rituals of the Abatachoni: A Historical Study* (M.A. Thesis, History Department, Kenyatta University; 1992); p.108

³⁸¹ Phillip Chemonges, (a student from Kopsiro) interviewed at Kopsiro on 23/2/2019

attendance increased to thousand four hundred while the full numbers rose to forty. In 1927, there were additional one hundred and thirty three members in schools with the total members of schools standing at fifty. In 1928 Europeans missionaries left Lugulu for unknown reasons without replacement.³⁸²

In a span of about a decade, Black Africans were able to run the mission without the help of missionaries. In 1928, missionaries left the station unexplained but the mission continued to run. The structural framework of operation incorporated Black Africans for easy succession.³⁸³ The Catholic presence in the area was felt much later after the Quakers had established. The Catholics predominance was overwhelming in south Bukusu location. South Bukusu location was under Sudi Namachanja who was a staunch catholic and the father to the first Cardinal in Kenya, Cardinal Maurice Otunga.

According to Wekesa, Catholic influence spread very fast between 1925 and 1935. However, it was not the same case in *North Kitosh*.³⁸⁴ Catholics build their pioneer church at Kibabii in 1931. They did not infiltrate the areas of *North Kitosh* until 1940's when they set up a mission station at Misikhu. The Quakers had already established their tentacles in *North Kitosh* with a resounding following.³⁸⁵

Religious differences pitted south Bukusu and *North Kitosh* on collision course, sometimes violence broke out between catholic followers and Quakers. Aseka describes a tense religious atmosphere that drifted North Kitosh and South Bukusu to a near religious paralysis, attempts by the Catholic to inaugurate a church in *North Kitosh* set off a violent

³⁸² Wolf, J.J., *Op.cit.*, p.163

³⁸³ *Ibid*

³⁸⁴ Wekesa P.,: *Politics and Nationalism in colonial Kenya: The case of Babukusu of Bungoma District-c 1894-1963*, (Nairobi, Kenyatta University; 2000); p. 147

³⁸⁵ Wolf, J.J., *Op.cit.*, p. 144

religious conflict pitting the Quakers against the Catholics, which attracted the intervention of the Local Native council (LNC) who contained the stalemate by gifting the Catholics one school in North Kitosh.³⁸⁶

This brings out the earlier assertion of conflicting African relationships ignited by the activities and policies of both colonial administration and Christian missionaries. It also points out to this study theory of constructivism. An informant's accounts confirms that while *North Kitosh* comprised of the Bukusu and Sabaot, the frosty rivalry between the Catholics (Bukusu) and Quakers (Sabaots/Bukusu) pitted the Bukusu against the Sabaot. A sizeable number of the Bukusu professed the Quaker faith within *North Kitosh*. The Sabaot accused the Bukusu of marginalizing them in church leadership in Quaker. Although, by this time many Sabaot had not learnt how to read and write, technically incapacitated to offer church leadership but they often protested Bukusu domination.³⁸⁷

In South Bukusu Chief Sudi Namachanja became a committed figure in the spreading of the Catholic Church in the location. Pascal Nabwana, the head of Catholic Christians was not pleased with religious feuds among the Bukusu. Wolfs on the contrary recaps fervently that these feuds were sparked by Pascal Nabwana's assertion that religious liberty was splitting up the Bukusu nation down the middle. In his perception, it was imperative for the Bukusu to keep on united irrespective of their differing religious subscriptions and beliefs.³⁸⁸

³⁸⁶ Aseka, E. M., *Op.cit*, p. 230

³⁸⁷ Regina Namalwa, (a politician from Kaptama) interviewed at Kaptama on 9/3/2019

³⁸⁸ Wolf, J.J., *Op.cit*, p. 164

An informant's account asserts that, denominational intolerance between the Quakers and Catholics were violent. But, both denominations expressed interests to expand across the *North Kitosh* and South Bukusu. The Quakers who enjoyed massive following in *North Kitosh* tried to expand south in 1929 but the church they set up was razed down into ashes at the behest of Chief Sudi Namachanja of South Bukusu location.³⁸⁹

Kakai confirms that;

In 1929 the Quakers attempted counter penetrating areas of Eastern Bukusu, perceived as stronghold of Catholic converts. The school, which the Quakers built in that domain, led to inter-denominational fighting between Catholics and Quakers. Finally, Chief Sudi Namachanja of south Bukusu, a devout Catholic and father of Kenya's first African Catholic Cardinal Maurice Otunga burnt it down.³⁹⁰

An informant account states that Chief Murunga who served as the first Chief of *North Kitosh* within Mt. Elgon area was an expansionist. Chief Murunga helped the Bukusu Quakers converts to acquire land in the perceived Sabaot familial land by virtue of his authority as the colonial chief in the area. But, this does not however mean Chief Murunga was popular among the Bukusu.³⁹¹ Kakai's research points out a twofold attitudinal perspective of the Bukusu on chief Murunga chieftain. In a diametrically differing reality, while one fragment abhorred Wanga supremacy in Bukusuland courtesy of Murunga another sided with the latter.³⁹²

By 1920's the Friends African Mission (FAM) was expanding rapidly in *North Kitosh* in the present Mt. Elgon area.³⁹³ An informant's account confirms that the Sabaot were living around Chesikaki during the introduction of Friends African Mission (FAM) in the area.

³⁸⁹ Simon Kemboi, (a politician from Kaptama) interviewed at Kaptama on 9/3/2019

³⁹⁰ Kakai, P., *Op.cit.*, p. 109

³⁹¹ siSylvia Chepkemboi, (a politician at Kaptama) interviewed at Kaptama on 9/3/2019

³⁹² Kakai, P, *Op.cit.*, p. 109

³⁹³ *Ibid*, p.108

Benjamin Musundi, a Friends African Mission (FAM) religious leader wielded expansionary powers, in cohort with his converts pushed the Sabaot away from Chesikaki and occupied the area.

To justify this foregoing, an informant justified that the name Chesikaki was a Sabaot name.³⁹⁴ At the tail end of the 19th century, El Kony existed in huts in homesteads which were similar to the Bukusu pattern “...the Bok existed in stone walled groups called *Ngorinok’o* in each of them lived approximately one hundred persons”.³⁹⁵ An informant account confirms that the Sabaot had two fortified homesteads around Chesikaki, one was situated at Chesikaki and another one was at Cheptais. They claim that the Bukusu intrusion from Yembe displaced them from Cheptais and Chesikaki pushing them further north.³⁹⁶ This version relates with Were’s account where he presents that;

The migration from the plains to the east of Mt. Elgon appears to have been confused and harp-hard, due to raids and counter-raids, as they arrived, the country surrounding Mt. Elgon, the mountain is said to have been occupied by the Bukusu. Others retraced to Silikwa. Judging by the accounts of the *Babukusu*, migrants appear to have moved in by two major routes from Ebwayi and Silikwa to North of Mt. Elgon, others marched westwards through the southern foothills of the mountain.³⁹⁷

Additionally, other minor religious denomination in the area included the Anglican and the Salvation Army.³⁹⁸ Even so, religious feuds did not dissuade the Bukusu and the Sabaot from working together in the Friends African Mission in *North Kitosh*. At some point, inter-denominational unity of purpose was demonstrated in *North Kitosh* when the Quakers

³⁹⁴ Sylvia Nanjala , (a farmer from Kaptama) interviewed at Kaptama on 9/3/2019

³⁹⁵ Pius Kakai., *Op.cit*, p. 64

³⁹⁶ Solomon Kiptoo, (a farmer at Kapsokwony) interviewed at Kapsokwony on 9/3/2019

³⁹⁷ Were, G.S (a)., *Op.cit*, pp. 87-8

³⁹⁸ Imbuye, B., *Op.cit*, p. 72

sponsored an extensive front comprising other dominations to protest against Chief Murunga autocracy and imposition. Their mission succeeded when Chief Murunga was finally recalled and replaced by their choice Chief Stefano.³⁹⁹

Cross-fertilization of ideas flourished between the Sabaot and the Bukusu. An informant account indicates that around this time, Sabaot entrenched in farming than before; they learnt several techniques like ox-drawn plough from their Bukusu counterparts and increasingly adopted settled life.⁴⁰⁰ Kakai affirms that; the Sabaot learnt how to use ox drawn plough from the Bukusu in 1930's; ox drawn plough invention in Bukusu was influenced by the Quakers who even established a factory at Lugulu. It later spread to Catholic areas.⁴⁰¹

It is argued that ox drawn plough that was introduced by Europeans in Mt, Elgon area in 1930's was first used in Egypt and South East Asia during Agrarian Revolution. Zeleza argues that the technology had already been introduced in north eastern Africa. This can be attributed to the regions proximity to Agrarian Revolution in Egypt; Zeleza states that; "...while Europeans in Kenya introduced this technology, the plough had been used in parts of north and north eastern Africa since time immemorial."⁴⁰²

A mutual trade between the Bukusu and Sabaot also existed during this period, Mt. Elgon area, then, in Kakamega division of North Kavirondo (the defunct Western Kenya). The District Officer stated how the Sabaot made habitual expeditions to sell their meat and baskets to *Babukusu* in Bungoma district as well as to Bakisu in Uganda for cereal and

³⁹⁹ Kakai, P., *Op.cit*, p.113

⁴⁰⁰ Susy Khisa, (a CBO leader from Kopsiro) interviewed on 23/2/2019

⁴⁰¹ *Ibid*, pp. 111-112

⁴⁰² Zeleza, T.C. : *A Modern Economic History Vol. 1* (Dakar: Codesria; 1993); p.92

dried bananas in that order.⁴⁰³ An informant's account correlates with this information. The account explains how around 1930s, the *Batono* (Ndorobo) women travelled to Bukusu areas of Chelebei in Mt. Elgon area with meat and baskets during famine period, they exchanged them for maize, beans and other farm produce like Bananas from the Bukusu.

3.6 Formation of Early Welfare Association in Mt. Elgon Area

The introduction of the Christian religion was a blessing in disguise. Christian religion became both a unifying and divisive tool among the Bukusu and Sabaot. Christian religious communities worked together to improve their agricultural production and to agitate for emancipation during the colonial chieftain era. An example is when both the Bukusu and Sabaot Quakers united with other denominations including traditional religions to reject Chief Murunga in *North Kitosh* location.

Consequently, an informant's account reveals that the Sabaot suffered marginalization in church leadership and lost to the land Bukusu due to the Quakers expansion in the area.⁴⁰⁴ Chief Murunga protected a section of the Bukusu Quakers under the stewardship of Benjamin Musundi to acquire unoccupied land in Mt. Elgon area. This presents the workability of this study theory of Instrumentalists Theory, which espouses the influence of elites in the erection of ethnic identities in the expression of inter-ethnic skirmishes. The latter took the advantage of Chief Murunga expansionism to acquire land in Mt. Elgon area as the means of production, the dethroning of Murunga was a sigh of relief to the Sabaot who hoped to reclaim their land and stop Bukusu expansion if a new leadership order was instituted.

⁴⁰³ Information from Kenya archive: KNA/PC/NZA/2/10/7: Forestry, North Kavirondo, Mt. Elgon 1931-1951

⁴⁰⁴ Sumuta Simiyu, (a farmer at Kapsokwony) interviewed at Kapsokwony on 23/2/2019

Even so, societies were formed by both Bukusus and Sabaot in Mt. Elgon area as arenas to voice their displeasure during the colonial period. The elites in this association were mission graduates who had attained Western Education and became the voice of reason in the area. In 1936, Kitosh Education Society (KES) was formed which championed for health, education and administration. Even though, it was nearly an exclusive Bukusu outfit, it lacked denominational and ethnic barriers in advocating for its interests of its members. This also brought in the functionality of this study instrumentalists' theory which espouses the elite's influence of ethnicity for personal or group gain. Kakai shares that; in 1936, the *Babukusu* led the way ahead of other ethnic groups in Bungoma and Mt. Elgon by founding Kitosh Education Society (KES), a multi-ethnic welfare entity devoid of ethnic prejudice with bias in health, education and administration.⁴⁰⁵

Kitosh Education Society (KES) raised concerns on the discrimination during the Common Entrance Examination for primary schools. They pointed out the examination setting policy which disadvantaged the Bukusu candidates. Examinations were set in *Oloragoli* or *Oluwanga* which challenged members of *North Kitosh* who barely understood the languages.⁴⁰⁶ The society also unravelled exploitation of *Kitosh* area in North Kavirondo District. *Kitosh* area included Mt. Elgon area. Wolf sheds more light on this that;

The society realized that it was from Kitosh area where maize produced on a more commercial scale provided enough resources from produce sale to run educational and health facilities in the entire North Kavirondo District. Consequently, the society started demanding for their own district as a measure to redress the disadvantage the members were exposed to, given the majority Bukusu in the society,

⁴⁰⁵Kakai, P.W., *Op.cit*, p. 119

⁴⁰⁶ *Ibid*

Kitosh Education Society (KES) was renamed Bukusu Union (BU) in 1940.⁴⁰⁷

In 1930's, an exclusively Quakers only society North Kitosh Farmers Association (NKFA) was formed, by 1938 its membership hit one hundred and fifty. They raised ten thousand bags of maize for sale. North Kitosh Farmers Association (NKFA) members included the Bukusu and Sabaot.⁴⁰⁸

North Kitosh Farmers Association (NKFA) in February 1942 presented a petition to the Governor, through their District Commissioner, Mr Hunter, to protest against discrimination in marketing terms of their produce. They faulted the favouritism of the European farmers while neglecting the African farmers. The marketing terms for European farmers were more considerate and better compared to their operational terms.⁴⁰⁹ An informant's account confirmed that even though North Kavirondo Farmers Association membership included both the Sabaot and the Bukusu, the Sabaot decried Bukusu dominion in the leadership of the association. Bukusu were led by Pascal Nabwana while the Sabaot lacked a key leader of his standing. The Sabaot claimed Pascal Nabwana helped the Bukusu more than the Sabaot in the association and accused him for advancing ethnicity, this contributed to the construction of ethnic identities between the Bukusu and Sabaot.⁴¹⁰

An informant's account indicated that both the Kitosh Education Society (KES) and North Kitosh Farmers Associations (NKFA) were further point of disintegration between the Bukusu and Sabaot. The Sabaot who were initially members of the two organisations

⁴⁰⁷ Wolf, J.J., *Op.cit*, p. 151

⁴⁰⁸ *Ibid*, p. 50

⁴⁰⁹ *Information from Kenyan Archive: KNA/PC/NZA/3/1/355:1939-1944 section 15 administration*

⁴¹⁰ Timothy Chemonges, (a Business person from Kapsokwony) interviewed at Kapsokwony on 23//2019

during their initial launch walked out in protest decrying the Bukusu domination and favouritism. They alleged that Bukusu leaders did not champion Sabaoth interests as expected but rather centred on Bukusu welfare.⁴¹¹

3.7 Rise of Mission Schools

As discussed in the preceding sub-section, the rise of Christianity in Mt. Elgon area led to the establishment of mission schools. Imbuye notes this about mission schools in Mt. Elgon area.

The impact of the Quakers in this region saw the rise of schools and the consequent increase in the number of Africans that enrolled to attend school. Definitely, a cultural transformation with consequent measures of resistance was inevitable.⁴¹²

The second decade of the 20th century witnessed expansion of Friends African Mission in *North Kitosh*. The Quakers built countless schools and facilitated upward trends in schools environment.⁴¹³ Wolf contributes that;

In 1921 there were sixteen schools with an average attendance of one thousand eight hundred pupils, in 1926, the average attendance increased to two thousand four hundred. In 1927, there were additional one hundred and thirty three members in schools with a total of schools standing at fifty.⁴¹⁴

There was also a Jean school (also referred to as village schools) in Mt. Elgon area, which sprung after the First World War in 1920's.⁴¹⁵

The increase of mission schools in Mt. Elgon area led to the rise of African elites who were instrumental in advocating for the socio-economic and political welfare of Mt. Elgon

⁴¹¹ Timothy Kinangoi, (a politician at Kapsokwony) interviewed at Kapsokwony on 23/2/2019

⁴¹² Imbuye, B., *Op.cit*, p. 72

⁴¹³ Kakai, P.W., *Op.cit*, p. 108

⁴¹⁴ Wolf, J.J., *Op.cit*, p. 163

⁴¹⁵ Sifuna, D.N: *Western Tradition and the status of the teaching profession in Africa*, (Nairobi: Kenyatta University; 1990); pp. 15-16

area. An informant account asserted that these elites were vital in construction of the Bukusu-Sabaot inter-ethnic identities. Sabaots elites wanted Mt. Elgon to be administered from Rift Valley while Bukusu elites wanted the Bukusu to be administered from Uganda.⁴¹⁶ This brings in the applicability of this study's theory, Instrumentalists Theory, which helps to point out how the elites in Mt. Elgon area have been instrumental in manipulating aspects of ethnicity to cause inter-ethnic tensions between the Bukusu and Sabaots.

3.8 Decolonization and its Impact on the Bukusu-Sabaot Relations

European imperialism in Africa was justified by the modernization theory that reiterates that by colonizing Africa, Europeans exposed Africans to modern world economy through civilization, western education and infrastructural development. Bertocchia and Canova shares that; Modernization Theory which emphasizes that colonial Imperialists' initiated infrastructural transformation to incorporate Africa into seam of mainstream global economic web.⁴¹⁷

Even if, this is not the aim of this study, it will nevertheless seem hypocritical if the theoretical usability is adjudged. Europeans expressed defiance in accepting to decolonize and only carved in to pressure from United States of America (USA), which aggressively advanced the policy of self-determination. United States of America (USA) President Franklin Roosevelt introduced the policy of self-determination during the Atlantic conference convened to deliberate on a post war world. Bertocchia and Canova states that;

⁴¹⁶ Titus Kipchumba, (a religious leader at Cheptais) interviewed at Cheptais on 1/3/2019

⁴¹⁷Bertocchia, G., and Canova, F: *Did colonization matter for growth? An empirical exploration into historical causes of Africa's underdevelopment European Economic Review, volume 46* (London: European Economic review; 2002); pp. 1851-1871

...during the 1941 Atlantic conference the British and the US leaders met to discuss ideas for the post-war world, one of the provisions added by President Roosevelt was that all people had the right to self-determination inspiring hope in British colonies.⁴¹⁸

In Britain, the pressure increased when Britons at home became disdainful to overseas colonies. This made the British government to bring in democratic governments at local level in the colonies in anticipation for decolonization. African nationalists also played a central role in agitation for decolonization. Bailey postulates that, World War II acquainted Kenyans with a blend of conflicts and wave of nationalism in Asia and beyond and as overwhelming influence and ramification the Kenya African Union was launched in 1944 as an emancipation vessel in Kenya.⁴¹⁹

The ex-African conscripts were influential in demystifying African inferiority complex. They narrated war experiences that changed the mind of Africans about European superiority myth. They therefore led guerrilla warfare in the quest for decolonization. Ferguson and Boahen shares that world wars thrust African soldiers to a world scene and cross cultural orientations that sharpened, shaped and exposed them to new cultural ideas and opinions that embraced mutual respect and limitless quest for self-determination.⁴²⁰

The African ex-soldiers were also unhappy with unfulfilled promises and racial compensation policy that saw their white counterparts rewarded land in the white highlands. The colonial government applied a racist approach in compensating war heroes. Africans ex-conscripts were not compensated as much as the Europeans ex-conscripts. Europeans ex-conscripts were allocated land in the white highland by the colonial

⁴¹⁸*The Atlantic Conference and Charter, 1941!* history.state.gov. Retrieved 11/11/2018 14:30

⁴¹⁹Jim Bailey and Garth Bundeh., *Op.cit*, p. 23.

⁴²⁰Ferguson, E.D and Adu, A. Boahen: *African perspective on colonialism* 23 (2) (The Journal of African Historical Studies; 1990); p. 334.

government. African ex-conscripts expected similar treatment by the colonial government but they were frustrated eventually. Kenyanchui shares shreds of exclusions and absolute frustration nursed by African ex-soldiers after the colonial government precluded them from chunks of land in Uasin Gishu and Trans Nzoia allocated in favour of the white ex-soldiers as a world war reparation stunt.⁴²¹

African nationalists also joined the pro-decolonization band wagon by holding Pan-African meeting that was attended by future presidents of Africa. The clarion call was to pile pressure to the colonial powers across Africa to grant Africans freedom unconditionally. Ferguson and Boahen disclosed that for the pioneer pan-Africanists nationalists, African liberation was inevitable, inalienable and a moral entitlement. The 5th Pan African congress in 1945 turned out to be a noticeable land mark for the liberation journey in Africa, which tilted the liberation pattern to new heights. It was graced by among others, future continentals' heads of states and governments in Malawi, Kenya, Ghana and distinguished radical nationalists across the face of Africa.⁴²²

In Kenya, the agitation for decolonization hit its crescendo between 1945 and 1963. Within this span, national political parties as opposed to ethnic political entities were formed. Trade Unions stepped up alongside political parties to agitate for the welfare of workers while uniting them across the country to demand for decolonization. Guerrilla warfare was launched in Nyandarua forest to coerce the colonists to grant Kenya freedom forthwith.⁴²³ On this case, Maloba further state; in the vast colonial Kenya, an overwhelming wave of

⁴²¹ Kenyanchui S. S: *European settler Agriculture in (ed). Ochieng. W. R. and Maxon R; An economic History of Kenya* (Nairobi: East African publishers limited; 1992); p. 117

⁴²² Ferguson, E.D and Adu, A. Boahen., *Op.cit*

⁴²³ Maloba, O. W: *Mau Mau and Kenya: An analysis of a peasant Revolt*, (Nairobi: East African publishers 1989); p. 185-193

decolonization was rife with the intentions and purposes of political undertakings pegged on self-determination.⁴²⁴

Kenya African Union (KAU) formed in Kenya in 1945 was designed to advance trans-ethnic nationalism with members drawn from different ethnic communities to form a formidable national party.⁴²⁵ However, Kenya African Union was preceded by many political parties that were ethnic based. They were formed between 1919 and 1939 and were collapsed to form the Kenya African Union, (KAU). Aseka highlighted that, political parties formations in Africa in the middle of colonial authoritarian reign, was a colonial mind-set to create avenue for the African political class to jostle for electable seats in the legislative council or in any other designated public institutions using political parties as vessels.⁴²⁶

But, perhaps this was not the case in Kenya, political parties in Kenya surfaced as early as 1919 to protest against European oppressive regime and hegemony in Kenya among other grievances raised. Be it as it may, African protestation against suppressive colonial regime was ethicised until Kenya African Union (KAU) emerged. KAU filled a multi-ethnic void and became a national podium and a compelling voice for pressing for self-determination until it was proscribed in 1953.⁴²⁷

In Mt. Elgon area, Bukusu and Sabaot were unable to come together to form a united political party to agitate for decolonization because of the policies and activities advanced by the British colonialists in the area. Inexplicably, the Bukusu and Teso were expected to

⁴²⁴ Maloba, O. W., *Op.cit*, pp. 185-193

⁴²⁵ Information from Kenya archive: KNA/PC/NZA/3/1/360-1937-1946: section Administration

⁴²⁶ Aseka, E. M., *Op.cit*, p. 387

⁴²⁷ Kakai, P.W., *Op.cit*, p.136

register with provincial authorities as immigrants in hitherto their familial land. Minority communities were regarded as foreigners in the event they belonged to a location that was dominated by a certain community. In Mt. Elgon area therefore, the Sabaot were regarded as the natives while the Bukusu and Teso were aliens (*lamek*).⁴²⁸

An informant account holds that this divisive approach by the colonial government pitted the Bukusu and Sabaot against each other. It also escalated the land question in Mt. Elgon area. The Sabaot regarded Mt. Elgon as their ancestral land and viewed the Bukusu as foreigners who encroached on their land. It was, therefore, implausible for the Bukusu and Sabaot to form common political parties to agitate for their social, economic and political emancipation.⁴²⁹ This demonstrates the submission of this study theory of constructivism, which asserts that ethnicity is a recent construction in Africa through the activities of colonial agents. The activities and policies designed by colonialists were geared towards disfranchising on community at the expense of the other. This hindered the Bukusu and Sabaot to fight colonial intrusion in unison.

Even so, the Bukusu in Mt. Elgon formed Bukusu Union (BU) in 1940, formerly known as the Kitosh Education Society, (KES). The latter had membership drawn from the Tachoni and Sabaot. Due to the Bukusu majority in the society, it rebranded to Bukusu Union, making the Tachoni and the Sabaot to walk away in protest. This disintegrated the Bukusu and Sabaot further.⁴³⁰

⁴²⁸ Information from Kenya Archive: KNA/DC/BGM/2/13/3: Divisional and Locational Boundaries

⁴²⁹ *Titus Kisiero, (a farmer from Cheptais) interviewed at Cheptais on 1/3/2019*

⁴³⁰ Information from Kenya archive: KNA/DC/KIT/1/1/1:1960 Trans Nzoia District Annual Report

An informant account states that the activities and grievances advanced by Kitosh Education Society, (KES) were egocentric and this did not please the Sabaot, who not only walked out of the association but also accused the Bukusu for being proud and selfish.⁴³¹

Bukusu Union concentrated on raising funds to send students to study abroad on scholarships in colleges and Universities. One of the beneficiaries of this initiative was politician Masinde Muliro. An informant accounts asserts that although few beneficiaries came from other Luhya and Sabaot communities, the Bukusu dominated the list of recipients; this did not please the Sabaot who felt marginalized.⁴³² Wolf added that, under the auspices of the Kimilili Locational Advisory Council (LAC) and in cohort with the Catholic Union, the Bukusu Union set up a funds kitty to aid and abet students pursuing education overseas in colleges and Universities.⁴³³

The Bukusu Union (BU) in mid-1940 successfully bided for the creation of a new district supposedly to boast education and social welfare matters among its membership jurisdiction. North Nyanza district was finally split in 1956 due to pressure from the Bukusu Union (BU) and the support from African District Council (ADC). However, the colonial government had hidden agenda in splitting of the District; they wanted to control the spreading of *Dini Ya Musambwa* (DYM) in the region.⁴³⁴

In a sceptical gesture, the Bukusu Union (BU) also fronted the relocation ideology of Bukusu from Kenya to Uganda to re-join their Bakisu brothers to whom they controversially claimed they share a common ancestry. They argued that Bakisu spoke a

⁴³¹ Tobias Kibet, (a social worker from Cheptais) interviewed at Cheptais on 1/3/2019

⁴³² Wesley Kiplimo, (a politician from Kopsiro) interviewed at Kopsiro on 23/2/2019

⁴³³ Wolf, J.J., *Op.cit*, p. 152

⁴³⁴ Information from Kenya archive: KNA/PC/3/1/252:1953-1958 ADC Nyanza

similar language with *Babukusu* and the two relate better than other Luhya like *Abaragoli* and *Abawanga*.⁴³⁵ Whitley revealed that;

...language problem in Buluyia raised some concern among the leaders of the Church Mission Society (CMS) who attempted to establish a standard Luhya dialect but met with great resistance.⁴³⁶

Bukusu Union (BU) also vehemently opposed the colonial government forcibly displacement of Africans in white settlement to offer land to the European ex-servicemen in what was racially known as 'white highland'.⁴³⁷

Cognizant of the new wave of reverberating nationalism that clouded colonial Kenya and other continental frontiers soon after the Second World War, Bukusu Union (BU) did not join Kenya African Union (KAU) a merchandise of amalgamated ethnic based political parties in Kenya. However, it is palpably clear that Bukusu Union (BU) secretary John Victor Khatete subscribed to the membership of Kenya African Union (KAU). Khatete presented grievances to Rift Valley and Nyanza Provincial Commissioners (PCs) which included protestation of destocking policy in Trans-Nzoia and colonial land alienation. He also expressed that Africans emancipation and right to property was paramount.⁴³⁸ Jim Bailey states that; in 1955, the colonial authorities allowed Africans to set up district-based organizations. However, fearful of their growing power, it soon took action against the two most popular organizations to emerge; Nairobi African District Congress and Nairobi

⁴³⁵ Whitley, W.H.: *Language Choice and Language planning in East Africa* ed. Gulliver P.H. *Tradition and Democracy in Africa* (Maseno University College: The institute of Research and Postgraduate Studies;1969); p.115

⁴³⁶ *ibid*

⁴³⁷ Pius Kakai., *Op.cit*, pp. 132-133

⁴³⁸ Information from Kenya Archive: KNA/PC/NZA/3/1/360-1937-1946: Section Administration

People's Convention party led by Argwings Kodhek's and Tom Mboya's correspondingly.⁴³⁹

Elgon Nyanza District Congress (ENDC) was founded by Masinde Muliro in the area. It was used as a vehicle for Muliro to run for the Legislative Council election in 1957. The formation of District Congress was an incentive to entice Africans especially after the colonial government banned KAU in 1953.

In this regard, Odhiambo expounds that in 1956, a commission with a clear-cut obligation to midwife avenues of political emancipation of Kenyan Africans in colonial Kenya through their inclusion in the mainstream national body politics. This was set under the stewardship of chief secretary Sir. Walter Courts. The result was that, for the first time Africans would be allowed to directly elect their representatives to the legislative council.⁴⁴⁰

Muliro vied alongside Otiende from Maragoli, Wycliffe W. Awori from Busia and Nathaniel Sigenga from Bunyala Nabakholo. Muliro won the LEGCO seat to 1957 to represent Elgon Nyanza constituency. An informant account confirms that due to Sabaots endemic conflicts with the Bukusu they did not as expected support Masinde Muliro but rather voted other candidates.⁴⁴¹ Aseka confirmed this when he noted that;

...in 1957 during the campaign for election into the Legislative Assembly, Elgon Nyanza District Council sponsored Muliro to run against Otiende from Maragoli, Wycliffe W. Awori from Busia who was also a former nominated member of North Nyanza constituency between 1952 and 1957 and Nathaniel Sigenga from Bunyala

⁴³⁹ Jim Bailey and Garth Bunde., *Op.cit*, p. 109

⁴⁴⁰ Atieno Odhiambo, E.S.: *Makers of Kenya's History: Jaramogi Ajuma Oginga Odinga; A Biography* (Nairobi: East African Education Publishers); p. 8

⁴⁴¹ Edward Wanyonyi, (a retired army officer from Kapsokwony) interviewed at Kapsokwony on 9/3/2019

Nabakholo. Others who joined the contest for the seat were
W.B. Akatsa and Joseph Kadima.⁴⁴²

In July 1959, Masinde Muliro launched Kenya National Party (KNP), as multi-racial party. It comprised of seven Africans, one European and six Asians who ideally unremittingly agitated for the return of the swathes of the idle crown land to the indigenous Africans in Kenya. Kenya National Party in early 1960 changed to Kenya African People's Party (KAPP) to give it a wider forum and membership.

An informant account indicates (KNP) was popular in Mt. Elgon area because of Bukusu presence in the area. Masinde Muliro was seen as a Bukusu leader by most Bukusu in Elgon Nyanza. However, the Sabaot were not happy with Masinde Muliro who they supposedly expected to champion the rights and interests of the Sabaot in Mt. Elgon area.⁴⁴³

The Sabaot formed Sabaot Union in 1950's; an informant account asserts how Sabaot did not embrace western education immediately as did the Bukusu in Mt. Elgon area due to their conservative and trans-nomadic nature isolating them from social, political and economic development during the colonial period. However, they formed Sabaot Union in 1950's, to advocate for preservation of culture especially clitoridectomy as well demanding for new locations. They used the forum to agitate for separation from the Bukusu who they claimed marginalized them.⁴⁴⁴

They later formed West Kalenjin Congress (WKC) in September 1962 under the stewardship of Mossi. An informant account confirmed that the formation of Sabaot Union

⁴⁴² Aseka, E. M., *Op.cit*, 389

⁴⁴³ Bogonko, S.N: *Kenya: 1945-1963* (Nairobi: Kenya Literature Bureau; 1980) pp. 219-248

⁴⁴⁴ *Information from Kenya Archive: KNA/PC/NZA/2/1/54:1931-51: Native Tribes and their customs*

and West Kalenjin Congress was an express protest against the Bukusu whom they considered self-centred and were insensitive about their plight.⁴⁴⁵

The formation of West Kalenjin Congress under Daniel Mossi was a reactionary move to oppose Kenya National Party formed under Masinde Muliro. An informant account indicates that the Sabaots believed that Masinde Muliro did not represent their interests and grievances in the LEGCO.⁴⁴⁶ This brings in this study theory of instrumentalism which espouses elite influence of ethnicity for certain gain.

West Kalenjin Congress General Secretary wanted the Sabaot in Elgon Nyanza District to be moved to Trans-Nzoia, citing mistreatment by the Bukusu in the Elgon Nyanza District. The Bukusu dominated African District Council (ADC) frustrated the Sabaot grievances on ethnic grounds making them seek alternative forum. They requested the Trans-Nzoia District Commissioner (DC) to help them transfer to Trans-Nzoia to join other Kalenjins in the district.⁴⁴⁷

An informant's account indicated that this request was denied by the boundaries commission which declined to restructure the Sabaot to administer from Mt. Elgon. This angered the Sabaot who blamed Masinde Muliro for engineering the decision of the boundaries commission.⁴⁴⁸ This demonstrates the applicability of instrumentalist theory of this study. Both Mossi and Muliro influence the aspects of ethnicity among the Bukusu and Sabaot to cause inter-ethnic tensions between them.

⁴⁴⁵ Benjamin Kirwa, (a student from Kopsiro) interviewed at Kopsiro on 23/2/2019

⁴⁴⁶ Electina Nasimiyu., *Op.cit*

⁴⁴⁷ *Information from Kenya Archive: KNA/PC/NZA/4/4/114/ADC of Elgon Nyanza, 1961*

⁴⁴⁸ Simon Ngeywa., *Op.cit*

When the Kenya Independent Movement (KIM) Agikuyu and Luo dominated party transmuted and was supplanted by Kenya African National Union (KANU) in 1960, Masinde Muliro, Daniel Moi, Ronald Ngala and Keen collapsed their parties and formed Kenya African Democratic Union (KADU) to safe guard the inclusion of other minorities' communities in Kenya. An informant accounts explicates that both the Bukusu and Sabaot supported Kenya African Democratic Union because of Daniel Mossi and Masinde Muliro. The Sabaot considered Daniel Mossi while the Bukusu supported Masinde Muliro as their leaders.

The presence of Mossi and Muliro in KADU initially, brought both the Bukusu and Sabaot together tentatively.⁴⁴⁹ Kakai concurs with this;

Based on the fears and suspicions about the interests of KANU politicians, KAPP of Muliro, KPA of Moi, and Maasai United Front (MUF) of Keen, Coast African people Union (CAPU) of Ronald Ngala and Somali National Association (SNA) together met in June 1960 and formed Kenya African Democratic Union. (KADU)⁴⁵⁰

At the outset, the presence of Muliro and Mossi in Kenya African Democratic Union (KADU) by design was a valid expression for both the Bukusu and Sabaot allegiance in the party. Kenya African Democratic Union (KADU) was a multi-ethnic party in Mt. Elgon area until tensions erupted when the Boundaries Commission declined to consent West Kalenjin Congress (WKC) demands to annex Mt. Elgon constituency to Rift Valley Province. An informant account states that this became the bone of contention between the

⁴⁴⁹ Jacob Namunyu., *Op.cit*

⁴⁵⁰ Kakai, P.W., *Op.cit*, pp. 140-141

Bukusu and Sabaot. The Sabaot through Mossi blamed Muliro for influencing the decision of the boundaries Commission.⁴⁵¹

Kakai best explains this when he notes that, in a sharp contrast, the commission hived off a documented hundred and fifty thousand acres of land from the colonial Trans Nzoia in favour of a western region settlement scheme. In reaction, WKC shifted their allegiance from Kenya African Democratic Union (KADU) to Kenya African National Union (KANU).⁴⁵²

This illustrates the applicability of this study theory of instrumentalists where elites influence inter-ethnic tensions through manipulation of the aspects of ethnicity. Mossi and Muliro were instrumental in the conception of ethnic identities and tensions between the Bukusu and Sabaot.

The boundaries commission proposition worsened the Bukusu-Sabaot strained relationship and contributed to the land question in Mt. Elgon area. The colonial Trans-Nzoia extended to present Mt. Elgon area, an informant accounts confirms that the Sabaot lost a section of alienated land by the colonialists to the Bukusu in western region by the pronouncement of the commission. The Sabaot were frustrated because they wanted to move to Trans-Nzoia to register and vote from there. The West Kalenjin Congress standpoint was to be represented both in the senate and National Assembly by a Kalenjin.⁴⁵³ Masinde Muliro advocated for making Kitale the capital of western region. Daniel Moss and the Sabaot

⁴⁵¹ James Kimutai., *Op.cit*

⁴⁵² Kakai, P.W., *Op.cit*, p. 147

⁴⁵³ Information from Kenyan Archive: KNA/DC/KIT/1/5/8:1962-1963: Registration of voters and General correspondence,

objected this. Muliro went ahead to lay a foundation at the heart of the Kitale sports grounds.⁴⁵⁴ Wolf shares more on this;

In the middle of 1962 he [Masinde Muliro] laid a foundation stone in the middle of the sports stadium at Kitale and tried to annex it in a symbiotic way as the capital of western Kenya. Muliro's argument which was supported by Abaluyia elders was that before the Kalenjin had settled in Trans-Nzoia and Uasin Gishu, these areas were inhabited by the Abaluyia.⁴⁵⁵

In the ensuing election in 1963 the Bukusu-Sabaot enmity exploded into violence. The election was marred with aggression and expulsion of the non-Sabaot mostly the Bukusu in the Mt. Elgon area. In the election, Julius Matifari [a Luhya] of Kenya African Democratic Union was challenging Daniel Mossi [a Sabaot] of the Kenya African National Union. The Bukusu in Mt. Elgon area supported Julius Matifari while the Sabaot choice was Daniel Mossi. Arap Kisembe shares this;

On noticing that Matifari (KADU) was contesting against Mossi for Mt. Elgon constituency trouble started. People's homes especially when the owners were suspected to be Matifari's or KADU's supporters were burnt down and their livestock raided; the whole strategy was to expel them from Mt. Elgon...such people were immediately labelled as aliens or Bukus who were to be evacuated from the area by the Sabaots.⁴⁵⁶

The contribution of Daniel Mossi and Julius Matifari to the Bukusu-Sabaot inter-ethnic land conflicts in Mt. Elgon area in 1963 points to the applicability of this study theory of instrumentalism. Mossi exploited the aspect of land to manipulate ethnicity for his selfish political gain. Additionally, the poignant issue of land surfaced in the Lancaster Houses conference in 1962. It was reasoned that land should be contained within the Bill of rights.

⁴⁵⁴ Kiluki, J: *Report of Parliamentary Select Committee to investigate Ethnic clashes in western and other parts of Kenya* (Nairobi: Government printers; 1992); p. 22

⁴⁵⁵ Wolf, J.J., *Op.cit*, p. 193

⁴⁵⁶ B.B. C. Arap Kisembe., *Op.cit*, p. 123

Although, land was incorporated in the bill of rights discrepancies emerged. Maloba argues that; man did not include the colonized man and Native was excluded from the notion of citizen⁴⁵⁷

The TJRC report further explicates that the existing colonial government agreed with the incoming independence government to resettle Africans who were displaced during the colonial period, but this failed to happen.

The TJRC report emphasises the essentiality and incomparability of the land phenomenon at the Lancaster house conferences of 1961 and 1962 as overwhelming, contentious and compelling. As a unanimous resolution, the Lancaster house conferences ratified the inalienable familial land rights of the dispossessed African communities during the colonial period and endorsed their reclamation forthwith. The proposition affected also the Sabaot then referred under a pseudonym ‘Elgon Maasai’ whose historical land grievances were presented and deliberated in the forum. But, the carrying out of the policy remained an elusive dream after independence.⁴⁵⁸

Conversely, the UNDP/OCHA report accounts that the Sabaot were misconstrued to be the Maasai especially when they were referred to as ‘Elgon Maasai’ before the adoption of the name Sabaot in early 1990’s supposedly for a census exercise. The delegation of John Keen, Stanley Ole Oloiptip, Justus Ole Tips and William Ntimama at Lancaster House talks did not negotiate on behalf of the Sabaot in Mt. Elgon area. While the Maasai were eventually resettled, the Sabaots were left in cold and in their place the Bukusu and other

⁴⁵⁷ Maloba, O. W., *Op.cit*, p.184

⁴⁵⁸ Truth Justice and Reconciliation Commission., *Op.cit*, p. 191

Luhya were resettled in their hitherto familial land in the colonial Trans-Nzoia under the advocacy of Masinde Muliro.⁴⁵⁹

As earlier asserted, the Sabaot expected to be resettled in parts of Trans-Nzoia, including the present Uasin Gishu and Bungoma counties. Inexplicably, the areas were hived off and a settlement scheme created which became safe haven for the settlement of the Luhya at the detriment of the Sabaot. Besides, the ministry of land and resettlement was hastily rebranded ministry of lands and settlement. During this period, grabbing of Sabaot familial land by the allies of Kenyatta, Moi and Masinde Muliro continued undisturbed.⁴⁶⁰ An informant accounts states that the Sabaot lacked proper representation both at the Lancaster House conferences and in the independence government as opposed to the Bukusu.⁴⁶¹ The TJRC report further affirms that the election of Masinde Muliro as the first Member of Parliament for Kitale East at the height of the emancipation wave in Kenya in 1963, wretchedly further spiralled the Bukusu-Sabaot relationship to an intolerable scale. Muliro not only advocated for the replacement of Trans-Nzoia to the Rift Valley but also selectively stood up for the resettlement of the Bukusu in until then Sabaot familial land withdrawn in colonial days heaving the deserving Sabaot in isolation and distraction.⁴⁶²

An informant account established that at independence the Sabaot in Mt. Elgon area were a disgruntled group, the government failed to resettle them as well as their land was incessantly grabbed by senior politicians who were in government. Moreover, the Sabaot community lacked appropriate representation unlike the Bukusu whose interests were

⁴⁵⁹ *UNDP /OCHA, Op. cit, p. 15*

⁴⁶⁰ Truth Justice and Reconciliation Commission., *Op.cit*, p.191

⁴⁶¹ Patrick Kiprop., *Op.cit*

⁴⁶² The Truth Justice and Reconciliation Commission., *Op.cit*, p. 192

advocated by Masinde Muliro who was a cabinet minister in the independence government.⁴⁶³ This development contributed immensely to the land question in Mt. Elgon area. The contribution of Masinde Muliro to the land question in Mt. Elgon area sheds insight on the Instrumentalism Theory that is advanced by this study.

3.9 The land question during the colonial period in Mt. Elgon area

All the same, the Europeans presence in the turn of the 19th century revolutionised agronomic systems through introduction of sustainable methods of farming.⁴⁶⁴ Mamdani observes that; while pre-capitalists relations (forms) were conserved, their content, the productive forces now functioned strictly in the interests of capitalist's accumulation.⁴⁶⁵

From the foregoing, the advent of colonialism and western capitalism in the form of money economy in the fall of 19th century did not destroy the pre-colonial productive forces in Africa, including Mt. Elgon area. Money economy only modified the pre-existing forces in their present form. Odhiambo shares that; the penetration of finance capital on the peasantry in developing countries resulted in capital conservation by the peasantry in dependent relations. Capital was not capable of instituting domestic changes in the instruments and forms of the labour.⁴⁶⁶

The introduction of western capitalism in Kenya, at the height of New Imperialism, in the last quarter of the 19th century brought along new systems of production chain that involved import and exports of products to western markets in Europe and America.⁴⁶⁷

⁴⁶³ Patrick Kiprop., *Op.cit*

⁴⁶⁴ *Ibid*, P. 69

⁴⁶⁵ Mamdani, M.: *Politics of class formation in Uganda* (London: Heinemann; 1976); p. 138

⁴⁶⁶ Odhiambo, M.C. : *Advocating for land policy reforms in Kenya, Uganda and Tanzania: NGO lessons and prospects* (Lagos Nigeria: Paper prepared for the second workshop of the pan-African programme on land and Resource Rights held on 15th to 16th July; 1977); p. 235

⁴⁶⁷ Frank, A.G: *Capitalism and Underdevelopment*, (New York: In Latin America's monthly review press; 1967); pp.78-92

Brett shares that; colonial society was linked to the outside world through the system of international capitalism, whose potential and economic centres were located in the most advanced parts of Europe.⁴⁶⁸

Colonialism and western Capitalist system were complemented with commercial labour; Africans were preferred for the provision of labour in European farms because it was convenient and cost friendly relative to the imported European labour.⁴⁶⁹ Achola further observes that; the root cause of conflict in any society is intrinsic in their economic substructure...⁴⁷⁰. Land both in pre-capitalist and capitalist societies in Kenya and particularly Mt. Elgon area has been the critical force of production. It has been the basic economic substructure within which intra- and inter-ethnic conflicts have been entrenched. Mt. Elgon area in particular is an agrarian society. Thus, land is the chief force of production and its differential in access and utility determines social relations which interact with the aspects of superstructure like culture or ethnicity to trigger land related conflicts. Colonial and post-colonial government have exploited land resource for the production of raw materials for both local industrial production and foreign export.⁴⁷¹ On the above, Simiyu highlights that;

...as for the vast majority of the Kenyan rural population, land is the basic and often only economic resource from which they eke a livelihood and it is also around those socio-

⁴⁶⁸Brett, E. A. : *Colonialism and underdevelopment in East Africa: The politics of Economic change 1919-1939* (Nairobi: Heinemann; 1973); p. 31

⁴⁶⁹Momanyi, J.K: *Politics and Nationalism in Colonial Kenya: The case of Abagusii c. 1939-1963* (Nairobi, M.A thesis, Kenyatta University; 1996); p. 20

⁴⁷⁰Achola, P.P.W: 'The Sociology of Knowledge and African's Dependency: The case of the Sciences,' (Nairobi: A paper presented to the Third Professor of world peace Association-PWPA Continental Conference, 2nd-6th May; 1990); p.14

⁴⁷¹ Odhiambo, M.C., *Op.cit*, pp. 5-7

cultural and spiritual relations among community members are defined and organized.⁴⁷²

Population pressure is an emerging factor in utilization of land resource in Kenya. At independence, the Kenyan population stood at eight million, with an annual population growth of barely three per cent, the population has bloated to more than five times the initial population at independence. Moreover, only twenty per cent of the Kenyan land mass is arable. These factors put pressure on existing and favourable land in Kenya and chiefly Mt. Elgon area.

Simiyu shares that protracted sustainable resource utilization campaign and restrictive measures on human settlement in conserved areas; has led to an overstretching mismatch between the ever-swelling population and the available resources.⁴⁷³ African liberations movements in Kenya and the entire continent just as they agitated for self-determination, the agitation for liberation was also centred on the return of the African land, which had been alienated at the behest of colonial rule in African and by extension Kenya. This has systematically contributed to the development of the land question in Kenya.⁴⁷⁴ Simiyu observes that; the history of colonialism in Africa is dotted with massive alienation of African arable land by white settler minority and the colonial government.⁴⁷⁵

The colonial land alienation process that was hinged on colonial land policies in the colonial Kenya, led to the disposed Africans in Kenya. Further to this, the creation of native reserves led to the uprooting of Africans from their ancestral area and sometimes, such influx of displacement infringed on hitherto foreign ethno-territorial areas, which has

⁴⁷² Simiyu, R.R, *Op.cit*, p. 4

⁴⁷³ *Ibid*, p. 5

⁴⁷⁴ *Ibid*

⁴⁷⁵ *Ibid*

historically heightened tensions during and after the colonial period in Kenya.⁴⁷⁶ Kanyinga sheds more light to this; that,

...the resulting skewed patterns of land distribution and in particular, the disinheritance that left many Africans either landless or pushed onto unproductive marginal territories, in time became central grievance in the liberation struggle.⁴⁷⁷

This brings in the application of this study theory of constructivism, through alienation of African land through colonial land policies, the colonial government created ethnic identities. Some communities land was dispossessed at the expense of the other community. For example the Sabaot lost land in the colonial Trans-Nzoia and Mt. Elgon area to the Bukusu.

The land question dominated the Lancaster house pre-independence talks. But, while the right to land was enshrined in the independence constitution, issues of gender bias, controversy that man did not mean the colonised person and native was excluded from the notion of native cropped up. Kuria states that;

The clause of land intimated that all Kenyan ethnic groups had to drop all claims to the land that was alienated by the colonial government, either given to the British settlers or treated as crown or government land. It was further agreed that in independent Kenya, land could only be acquired through purchase. There were to be arrangement made for Africans to purchase such lands from settlers.⁴⁷⁸

This became a breeding ground for inter-ethnic tensions and conflicts in the post-colonial Kenya. The post-colonial government remained non-committal in resolving the historical land question in Kenya. But instead, the independence government officials and elites

⁴⁷⁶ *Ibid*

⁴⁷⁷ Kanyinga, K.: *Struggle of access to Land: the squatter question in Coastal Kenya* (Copenhagen: CDR working paper, centre for development; 1998); p. 7

⁴⁷⁸ Kuria, K.K.: 'Majimboism and ethnic clashes in Kenya today' (in the Nairobi law, Monthly, May ;1993);p .21

escalated the historical injustices and inequalities in the established policies of land redistribution.⁴⁷⁹

Kariuki's study states that; independence governments in Kenya have abused land legal framework by compromising land policies apparently to reward political sycophants and those deemed politically correct to remain afloat and maintain political grip. Kariuki writes;

Public land has been expropriated and dished out to powerful individuals and select groups in exchange as a reward for political support.⁴⁸⁰

The land question in Kenya has been escalated by lack of an inclusive legal, policy and established outline for land regulations and control. Confusing land tenure legislations have been instituted, which fail to restore order in the ensuing chaos. This state of affairs has made access, ownership and utilization of land controversial and an emotive issue.⁴⁸¹

Kariuki further notes that; ethnic antagonism and controversial elections that have ensued since independence every election cycle are by and large an expression of land rights in Kenya. As such, they have been the breeding ground of compromising proposition by both the actors and predominantly the political class. Kariuki writes that;

...in a way, these clashes have demonstrated that land rights struggle in Kenya increasingly form the contexts within which ethnic identity and local and national citizenship are negotiated and contested.⁴⁸²

In Mt. Elgon area, the colonial administration and subsequent colonial land policies created an avenue for the Bukusu to encroach on Sabao familial land. In addition, the

⁴⁷⁹ Kariuki, S.M.: *Can negotiated land reforms deliver? A case of Kenya's of Kenya's South Africa's and Zimbabwe's land reforms policy debates* (ASC working paper, 59/2004: African studies centre 2004); p. 6

⁴⁸⁰ Kariuki, S.M., *Op.cit*, pp. 6-10

⁴⁸¹ Odhiambo, M.C., *Op.cit*, pp. 6-9

⁴⁸² S.M. Kariuki., *Op.cit*, pp. 7-10

resettlement programme under the Chebyuk settlement scheme has been marred by political patronage, corruption and favouritism by government officials creating a land crisis that has spanned for ages. This brings in this study theory of constructivism, this study alludes that colonial intrusion in Mt. Elgon area constructed ethnic identities through the colonial activities and policies.⁴⁸³ Simiyu sheds more light on this;

...clashes between the Bukusu and the Sabaot occurred in November 1991. By March 1993 Sabaot warriors, helped by their Sebei cousins they hired from across the border in Uganda had carried out several attacks including torching their land, killing over twenty four people and injuring many while displacing over two thousand people.”⁴⁸⁴

The land problem that was created by the colonialists and missionaries in Mt. Elgon area contributed to the construction of ethnic identities between the Bukusu and Sabaot.

3.10 Colonial legacy in the land question during the colonial period

As discussed in the second chapter, the introduction of colonialism in Mt. Elgon area was sanctioned by the signing of the treaty between *Kirwandeet* Kimingichi and Fredrick Jackson in 1890. On the details of the treaty, Were accounts that; in 1890 Fredrick Jackson struck a deal with *Kirwangindet* Kimingichi – a Bok leader – in Mt. Elgon area to secure the area for the British East Africa protectorate exploitation of Ivory and wildlife in the region...⁴⁸⁵ By signing the treaty with a Bok leader, an informant account states that the colonialist created a structural conflict between the Bukusu and Sabaot. This implicitly created an ethno-territorial grip and claim by the Sabaot. The Sabaot infer to this treaty as a

⁴⁸³Mwasserah, A.K: *An overview of the causes of the Mt. Elgon crisis and of the causes of the Mt. Elgon crisis and its effects on the province and positive solution*, (Kakamega: paper presented at Mt. Elgon crisis workshop held at Masinde Muliro University of Science and Technology Kenya 28th to 29th June) p.6-9

⁴⁸⁴Simiyu, R.R., *Op.cit.*, p. 52

⁴⁸⁵Were, G.S (a), *Op.cit*, p. 157

colonial recognition of Mt. Elgon area as their ethno-territory.⁴⁸⁶ The TJRC reports supported that;

...ethnicity and ethnic stereotypes and perceptions created by the colonialists and inter-entrenched by post-independence political leaders are critical variables in the analysis of the complexities of land problems and related injustices in Kenya.⁴⁸⁷

By the decree of the Headman ordinance of 1902, Nabongo Mumia was imposed by the colonial authorities as the Headman of Buluyia [the defunct western province]. In cohort with the colonial administration, Nabongo Mumia went on to divide up Buluyia into eight administrative entities called *locations* in 1908. Chitayi notes that; Archer, the district commissioner of Mumias from 1907 to 1909 and his successor Dundas, declared that Mumia's position resembled that of King of Buganda. His influence extended across Uganda border to the people on the slopes of Mt. Elgon.⁴⁸⁸

An informant account states that the Sabaot believe that the imposition of the non-Sabaot chiefs in Mt. Elgon area, during the colonial period was by design to make life unbearable for them in Mt. Elgon area and eventually make them flee the area and subsequently the Bukusu moved in to fill the vacuum.⁴⁸⁹ Wanyage exposit that;

...during the colonial era, the Sabaot were ruled by non-Sabaot Chiefs, and many feel that this was a scheme...aimed at making Mount Elgon a Bukusu area.⁴⁹⁰

It is evident that colonial administrations embraced divide and rule policy in order to meritoriously govern Buluyia. Chief Murunga a brother to Nabongo Mumia was entrusted with the authority over *North Kitosh*, the Sabaot misconception was that Murunga was a

⁴⁸⁶ Patrick Kiprop., *Op.cit*

⁴⁸⁷The Truth Justice and Reconciliation Commission., *Op.cit.*, p. 305

⁴⁸⁸Bibiana Chitayi: *The impact of inter-ethnic Relations between the Wanga and their Neighbours since the nineteenth century, Luo, Bukusu and Iteso* (MMUST: MA. Thesis; 2015); p. 80

⁴⁸⁹ Simon Ngeywa., *Op.cit*

⁴⁹⁰Peter Wanyage: *Tribal politics in North Rift* (Nairobi: RCC publication; 2005); p.46

Bukusu or he acted in favour and collision with the Bukusu. Kipkorir opines that; the African chiefs were the pistons of the engine of colonialism. Their moving force was opportunism.⁴⁹¹

Chief Murunga was ruthless entirely in carrying out recruitment for conscription, labour and collection of taxes. Murunga was practically lethal on the Sabaot. Majority of the Sabaot had decided to sport dreadlocks as a sign of colonial resistance. Chief Murunga ordered the dreadlocks to be pulled off in public sending shivers among the Sabaots. This repressive regime by chief Murunga forced the Sabaot to escape to Trans-Nzoia. The Bukusu took advantage of this by moving in to occupy land and homes deserted by the Sabaot.

Wanyange sheds more light on this;

Many Sabaots feel that, although rivalry between the two communities goes back a long way, it was the colonial administration favouring of the Bukusu which shaped the future political conflict between them. They argue that the pulling off of the dreadlocks was to force the Sabaots leave their land for the Bukusu.⁴⁹²

The colonial administration in Africa and Kenya introduced restrictive policies that contained Africans in native reserves, to facilitate the running of settler farming in designated settlement scheme, to create an exploitative system of obtainable cheap labour and for effectual colonial administration.⁴⁹³ Trace Hellen is of the opinion that; white supremacy and imperialism in Mt. Elgon area was substituted with the Bukusu hegemony

⁴⁹¹ Kipkorir, B.E, *Op.cit*, p. 11

⁴⁹² Peter Wanyange., *Op.cit*, p. 77

⁴⁹³ Ludeki Cheweya., *Op.cit*, pp. 90-91

during the post-colonial era. Even so, they hold that, the Bukusu worked in cohort with the British imperialists supposedly to subjugate the Sabaot in Mt. Elgon area.⁴⁹⁴

In 1902, the Commissioner ratified the crown land ordinance, presumably to acquire land which he would later sell to the influx of white settlers at two rupees per acre or lease at rental value of fifteen rupees per one hundred acres. The Kenyan white highlands were created and the colonial Trans-Nzoia was one of them. The colonial Trans Nzoia was demarcated from River Kamukuywa which surfaces in Mt. Elgon, through River Kibisi and Nzoia inter-section to River Kipkaren on the reaches of Marabusi hills.⁴⁹⁵

Massive alienation of chunks of prime arable land on orders of colonial authorities inevitable instigated forcible dislocation of certain ethnic communities. It further build up ethnic tensions and rancour among affected communities especially in post-colonial societies courtesy of polarised resource politicisation and irregular resource appropriation by successive independence governments and their incapacity to parachute sense in historical land injustices.⁴⁹⁶ Cheweya reinforces that; colonialism brought along new forms of resource allocation and appropriation. Indeed, it actually created distortion in the local economy by depriving certain ethnic group access to resources, and creating uneven distribution of social benefits.⁴⁹⁷

To create the colonial Trans-Nzoia settlement scheme, the colonial government evicted the Sabaot in the operation dubbed, ‘*Elgon Maasai Kwenda.*’ The operation was executed in

⁴⁹⁴Trace Hellen: *Culture and its implication in Kenya development: A case study of western Kenya* (London: Britley publication; 2004) p. 233

⁴⁹⁵ Kakai, P. W., *Op.cit.*, p.104

⁴⁹⁶ *Ibid*

⁴⁹⁷ Ludeki Cheweya., *Op.cit.*, p.91

inhumane manner which included confiscation of their livestock, some of the Sabaot were pushed to the Maasai native reserve, others were evicted to Uganda and the rest forced back to Mt. Elgon area.⁴⁹⁸ Harizon Malewa adds that; the Morris Carter Land Commission recommended that displaced Sabaot be compensated eight hundred thousand hectares of land for the loss in Trans Nzoia.⁴⁹⁹

The reparation was not effected as recommended by the Carter Land Commission, the TJRC asserts that when the curtain fell on the colonial reign in Kenya that had sparked a span of over six decades. A buyout policy was adopted at the expense of indigenous land rights that would have safeguarded the interests of the Sabaot community in the colonial Trans-Nzoia.⁵⁰⁰

The TJRC report further indicates that the build-up and intensified ethnic tensions and unrest witnessed in the first decade of independence in Kenya was a reactionary gesture and a violent protest against the buyout policy. The report asserts;

...the situation resulted in agitation by Africans who were dissatisfied with the buyout policy...African communities were pressing for a return of their land that was forcibly and unjustifiably taken away from them.⁵⁰¹

The, dissatisfied Sabaot elite manipulated the aspects of ethnicity to facilitate the Bukusu-Sabaot inter-ethnic conflict in Mt. Elgon area for their gain. This brings in the applicability of this study theory of instrumentalism and constructivism, where the colonial policy of land alienation contributed immensely to the erection of ethnic identities between the

⁴⁹⁸ Truth Justice and Reconciliation Commission., *Op.cit*, p.189

⁴⁹⁹Harizon Malewa Chebukwabi: *The intrigue in the land Distribution in Mt. Elgon: who is to blame?* (Nairobi: Pauline publication; 2003); p. 57

⁵⁰⁰ Truth Justice and Reconciliation Commission., *Op.cit*, p. 206

⁵⁰¹*Ibid*

Bukusu and Sabaot and provoking the Sabaot elites to influence the aspects of ethnicity to violently fought for the return of their dispossessed land.

3.11 Conclusion

This chapter has enacted the Bukusu-Sabaot relations during the colonial period. It establishes that the British interest in Uganda was to safeguard the source of River Nile, while Kenya was important because it was the gateway to Uganda. Mt. Elgon was crucial to the British occupation because of its wildlife, caves and arable land.

It also explains that Joseph Thomson an explorer named Mt. Elgon in 1883 after the Kony, a sub-tribe of the Sabaot sparking controversy among the Bukusu. The Sabaot infer to this name to claim that Mt. Elgon area was their familial land. The Bukusu on their part insisted that the mountain was formerly Mt. Masaba in honour of their ancestor. This created structural conflict between Bukusu and Sabaot which have been instrumental in shaping the land question in Mt. Elgon area.

It also highlighted that the signing of the treaty by Fredrick Jackson and *Kirwangindet* Kimingichi of the Bok, was also viewed by the Sabaot as an express recognition of Mt. Elgon area as a Sabaot familial land. This also created structural conflicts between the Bukusu and Sabaots which have shaped the land question in Mt. Elgon area.

It further established that introduction of colonialism in Mt. Elgon area saw the Bukusu resist the British colonial occupation in Lumboka in 1894; the British under Charles Hoblely recruited the Sabaots as mercenaries' soldiers to crush the Bukusu resistance. This further escalated the Bukusu-Sabaot frosty relations. The Sabaot were revenging against the Bukusu whom they had long standing inter-ethnic conflicts.

The study held that the establishment of the colonial chieftain gave the Bukusu further leeway to infringe on Sabaot familial land, under the watch of Chief Murunga, Jeremiah Kukubo and Jonathan Barasa. It also established that during the division of Buluyia in 1908, the Sabaot objected the use of *North Bukusu* location in Mt. Elgon area and preferred the name *North Ketosh/Kitosh* because the term was used to demean the Bukusu. Chief Murunga was ruthless in *North Kitosh*. The Sabaot believed he acted in cohort with the Bukusu or the misconstrued that he was a Bukusu. Brutal leadership of Chief Murunga made the Bukusu to flee from Mt. Elgon to Trans-Nzoia, the Bukusu moved and occupied Sabaot land and homes, this created structural conflict between the Bukusu and Sabaot. The Sabaot assumed that it was a ploy between the Bukusu and Chief Murunga.

The study also established that colonial land policies saw the Bukusu and chiefly the Sabaot dispossessed from their ancestral land. They also destroyed African land tenure system and introduced private land ownership. This was conflictual especially when the Sabaot wanted to be resettled on their perceived familial land in Mt. Elgon area. In the later stages of decolonization, the Lancaster house conferences failed to guarantee the Sabaot resettlement to their alienated land.

The introduction of Christianity in Mt. Elgon area saw the Friends African Mission (FAM) unify the Bukusu and Sabaot. The political associations and parties were formed in Mt. Elgon area to advocate for the welfare, interests and to agitate for decolonization. Sabaot cried that Bukusu marginalized them in church leadership. Benjamin Musundi, a Friends African Mission religious leader, was influential in enabling the Bukusu to acquire unoccupied land in Mt. Elgon area.

The formation of early welfare and political association in Mt. Elgon area refashioned age old structural hostilities and enmities thrusting the Bukusu and the Sabaot in protracted leadership altercations that further flared up deep rooted mistrust and misunderstanding. The Sabaot accused the Bukusu of leadership monopoly and tribalism in advancing for the interests of the society's interests.

In the contrary, the rise of mission schools sparked to the bourgeoning of African cream of the crop that was essential in the formation of early welfare and political association. These also created structural fights amongst the Bukusu and Sabaot. The Sabaot accused the Bukusu elites for safeguarding the interests of the mostly Bukusu and neglecting them on grounds of ethnicity.

The period of decolonization disintegrated the Bukusu and Sabaot, the Sabaot walked out of the Kitosh Education Society when it was rebranded to Bukusu Union. They accused the Bukusu for egocentrism and formed Sabaot Union and West Kalenjin Congress as a protest against the Bukusu. West Kalenjin Congress advocated for the transfer of the Sabaot to Rift Valley province and preservation of clitoridectomy. The onset of decade of independence in 1960's saw the Bukusu and Sabaot differences escalates further when they differed on the administration of Mt. Elgon area. The Sabaot wanted to be administered from the Rift Valley and represented by the Kalenjins. However, the boundaries commission declined to their proposal, leading to a backlash and defection from Kenya African Democratic Union (KADU) to Kenya African National Union (KANU) Initially, both the Bukusu and Sabaot subscribed to (KADU) ideologies but the Sabaot accused the Bukusu under Masinde Muliro for influencing the boundaries commission to transfer them to Rift Valley, this made them to decamp from KADU to KANU.

The land question disintegrated the Bukusu and Sabaot further when the Lancaster conferences talks failed to offer the solution to land resettlement in Mt. Elgon area. The Bukusu-Sabaot tension and animosity later imploded into violent conflicts as explored in the next chapter. The next chapter is built on this chapter; as it explains how the Bukusu-Sabaot relations in Mt. Elgon area exploded into violent land conflicts after independence.

CHAPTER FOUR

THE LAND QUESTION IN POST INDEPENDENCE BUKUSU-SABAOT INTER-ETHNIC CONFLICTS

4.1 Introduction

This chapter picks from the Bukusu-Sabaot relations in the colonial era that is explained in the preceding chapter, to indicate how it affected the post-independence Bukusu-Sabaot inter-ethnic land conflicts. The Chapter high spots the post-colonial land question in Mt. Elgon area, ethnicity, government policies, gender dimensions, political factors and infiltration of small arms and light weapons by explicating how they disheveled to gestate the post-independence Bukusu-Sabaot inter-ethnic land conflicts in Mt. Elgon area. The chapter also discusses religious and traditional methods of intervention in the conflict and the effects of the Bukusu-Sabaot inter-ethnic land conflicts in Mt. Elgon area.

4.2 Post-colonial Land Question in Mt. Elgon area

The indecisive and inept government move to resolve convincingly and conclusively the Sabaot intra-ethnic groups on Chebyuk settlement scheme, according to an informant, generated the 1968, 1975 and 1991-1992 Bukusu-Sabaot inter-ethnic conflicts in Mt. Elgon area, especially after the government resettlement programme aborted in early 1990'. According to Telewa, there is perception that the government has been unfair in the distribution of land in the region.⁵⁰²

An informant account established that, the Bukusu-Sabaot inter-ethnic conflicts in 1968 were caused by the claim by the Sabaot that the Bukusu encroached on their land at

⁵⁰²Peter Telewa: *The people of Mount* (Nairobi: Pauline publication; 2005); p. 105

Chesokwa. The unoccupied land at Chesokwa was part of the land hived from the forest for settling the Sabaot intra-ethnic group (Ndorobo).⁵⁰³

The UNDP/OCHA report indicates that;

The Mosop/Ndorobo was initially ill-placed for agrarian activity. This led to being taken advantage of by the agrarian Soy and other people. Some Mosop/Ndorobo sold their land to the Soy or to outsiders, including the Bukusu, Teso and even the government officials in the Bungoma District. Others allowed members of these other communities to lease their land in whole or part for pittance consideration.⁵⁰⁴

An informant specified that this process of allocation has been patent with political conspiracies and venality since its inception. The Bukusu also benefited from land allocation through fraud or bought land from either Sabaot intra-ethnic subsets. This has been one of the bases of the Bukusu-Sabaot inter-ethnic conflicts in Mt. Elgon area. The Sabaot have always accused the Bukusu of encroaching on their land. These allegations according to the informant surfaced during the Bukusu-Sabaot inter-ethnic conflicts 1991-1992 and 2006-2008 in Mt. Elgon area.⁵⁰⁵ Imbuye notes that; in December 1992, even though there was concentration in expelling Bukus and their allies from the region, some houses belonging to the Ndorobo were burnt at Chepkurkur.⁵⁰⁶

The infiltration of Chebyuk Phase I by Bukusu and undeserving Sabaots intra-ethnic groups, who accessed the Chebyuk Phase I through contractual concessions with the initial beneficiaries before government allocation in 1974, led to a mass outcry. This especially when the government audit precluded them from title deeds issuance, the disgruntled group petitioned their case to the president through area leaders, the presidential executive order

⁵⁰³ Kennedy Ndiema., *Op.cit*

⁵⁰⁴UNDP/OCHA., *Op.cit*

⁵⁰⁵ James Kimutai., *Op.cit*

⁵⁰⁶ Imbuye, B., *Op.cit*, p. 107

in response to their petition established Chebyuk Phase II in 1979. Land was carved out of the Mount Elgon forest in Cheptoror and Kaimugul ostensibly to settle those who missed out in Chebyuk Phase One.⁵⁰⁷

Political machination, bribery, foreigners' intrusion, manipulations and government ineffective delay replayed out in Chebyuk Phase II resettlement, when evaluation was done in 1989 by Provincial Commissioner Francis Lekoolol and District Commissioner Chang'ole. The Government annulled the exercise and invited new applicants. The Phase Two resettlement exercise was equally protested and an appeal to resettle the displeased Sabaot intra-ethnic group launched by Fred Chesebe Kapondi was fruitful.⁵⁰⁸

The then president, Daniel Arap Moi, directed the establishment of Chebyuk Phase Three. Following this directive, a chunk of land was identified in Chepkurkur and Korng'otuny areas. Corruption, manipulation and politics muddled the otherwise good exercise when John Serut the area Member of Parliament was accused of punishing a section of the Sabaot for voting against the referendum in 2005. Also, the government again delayed in surveying and issuance of title deeds exposing the resettlement exercise to land grabbers, land brokers and falsifications of applicants. By the time formal survey and issuance of allotment letters was done, the population of applicants against the acreage of the land was incomprehensible.⁵⁰⁹

Over one thousand five hundred Sabaot families missed out in the government allocation programme, faced eviction and condemnation to landlessness. After unsuccessful litigation and arbitration intervention, they formed Sabaot Land Defence Force (SLDF) as an avenue

⁵⁰⁷ Simiyu, R.R., *Op.cit*, p.16

⁵⁰⁸ *Ibid* p.17

⁵⁰⁹ *Ibid*, p.22

to address their grievances.⁵¹⁰ An informant account sustained that the SLDF targeted the Bukusu because they were viewed as competitor to land acquisition and they impinged on the Sabaot familial land in Mt. Elgon area.⁵¹¹

This study holds that the Sabaot intra-ethnic settlement programme by the national government have contributed immensely to the land conflict between the Bukusu and Sabaot in Mt. Elgon area. The affected Sabaot took to arms to fight for the return of their dispossessed land in Mt. Elgon area targeting the Bukusu because Sabaot perceive the Bukusu as their competitors in land acquisition in Mt. Elgon area. An informant account asserted that following the annulments of the Sabaot intra-ethnic groups resettlement, the Sabaot who have been evicted and rendered landless resort to armed conflicts with the Bukusu to forcefully evict them and grab their land or buy them at a throw away price.⁵¹²

This brings in the practicability of this study's guiding theory (Instrumentalism Theory), where elites influence inter-ethnic conflicts by manipulating the aspects of ethnicity. The Loibons and politicians fuel ethnic violence with vested interests [particularly land interests] – they were instrumental in the formation of the Sabaot Land Defence Force in Mt. Elgon area.

4.3 Ethnicity in the Bukusu-Sabaot Inter-ethnic land Conflict

Ethnicity is a factor in the development of the post-independence land question in the Bukusu-Sabaot inter-ethnic conflict in Mt. Elgon area. A group is homogeneous descent becomes the influence of mobilization and defence against land intrusion by members of a

⁵¹⁰ *Ibid* p.23

⁵¹¹ Patrick Kiprop., *Op.cit*

⁵¹² James Kimutai., *Op.cit*

different ethnicity.⁵¹³ In Instrumentalism Theory, the aspects of cultural heritage, becomes the factor of mobilization by the elites or a group in the expression of the inter-ethnic land conflict. New man states that; people tend to make comparison of other cultures in reference to their own. He further asserts that children are cultured to live their supreme despotism world over. He also explicates that people find their religion, race and nationality superior or better than others.⁵¹⁴

The society's cleavages created by the base/sub-structure conditions cultural heritage in the superstructure to be manipulated as a reason for mobilization to agitate for emancipation of the disadvantaged ethnicity.⁵¹⁵ Were and Amutabi states further on culture;

Culture has been instrumental in the propagation of nationalism. This can be referred to as cultural nationalism. Based on popularly shared beliefs, traditions and customs tend to eventually be promoted as an expression of national aspiration.⁵¹⁶

Ethnicity is further amplified by ethnocentrism which reinforces ethnic ego and predisposition to consider that one's ethnic or cultural groups is essentially significant than all other groups is centrally measured in relation to one's own.⁵¹⁷ Jones argues in the practical sense that ethnic identity does not occur in isolation. Ethnic identity is incomplete without the rival groupings characterised by divergent cultural, linguistic and genealogical variance. Jones posits that;

⁵¹³Lynch, G: '*Negotiating Ethnicity: Identity Politics in Contemporary Kenya*,' *Review of African Political Economy* No. 107: 49-65.(North-western University: ROAPE Publication; 2006) pp. 49-50

⁵¹⁴ Newman, D.M.: *Sociology: Exploring the architecture of everyday life*, (Los Angeles: Sage publication.inc; 2012); pp. 114-379

⁵¹⁵ Bayart, J.F: *The State in Africa: Politics of Belly*. (New York: Longman; 1993); p. 55

⁵¹⁶Were, E.M. and M.N. Amutabi., *Op.cit*, p.27

⁵¹⁷ Martin Odhiambo Ouma: *Ethnicity and conflict in Molo Region of Nakuru County, Kenya* (Kakamega: Masinde Muliro University of science and Technology: Peace and conflict studies; 2013); p. 36

...like ethnic groups, moreover, this identification is meaningless without another to define against oneself –there are no in groups without out groups.⁵¹⁸

It is debatable as to whether ethnicity is a creation of new imperialism in Africa. Cheweya argues that; colonialism created ethnic self-consciousness and steadily transformed discrete collection of clans' cleavages into an outfit readily tribal.⁵¹⁹ Jones refutes Eurocentric concept of the origin of ethnicity, postulating a diffusion related origin discarding the hitherto western Europe origin. Jones asserts that Hans Chinese and Ancient Middle East for example had structured ethnic identities since the dawn of time and long before European Imperialism. Jones asserts that;

...while a refined concept of ethnicity is often considered to be a western invention, this is open to challenge. Han Chinese, for example, had well-developed ethnic sensibility well before the west's rise to dominance, so too, clearly did the people of the ancient middle East, whose ethnic rivalries and extermination strategies were quite well advanced, if the relevant religious texts are granted credence.⁵²⁰

This study, consequently, contends that pre-colonial societies were conscious of ethnic identities throughout their migration and settlement and colonialism only escalated an already prevailing circumstance. The colonial policies and activities fortified ethnicity in Kenya by creating ethnic enclaves and deprived one ethnic community at the expense of another. This foregoing relates to this study theories of instrumentalism and constructivism.

⁵¹⁸Jones, A: *Genocide; a comprehensive Introduction*, 2nd Ed, (Newyork: Routledge, Taylor & Taylor Group; 2011); p. 429

⁵¹⁹Ludeki Cheweya, *Op.cit*, p.93

⁵²⁰Jones, A., *Op.cit*

Cheweya highlights that; colonial policies in Kenya as is in many other African countries confined communities in Kenya in exclusive native reserves. It not only created room for commercial plantations but also instituted political restructuring and provision of cheap labour. This marked the onset of refinement of ethnic boundaries.⁵²¹

Colonialism brought along new systems of resource allotment and appropriation. Certainly, it essentially created misrepresentation in the local economy by disfranchising particular ethnic groups' access to resources and generating irregular circulation of social benefits. This connects with this study theory constructivism.⁵²²

According to Ouma; ethnic conflicts in the region arise from the complex interplay between several variables (politics, cultural perception, territory issues and negative ethnicity)⁵²³

In Kenya, just before independence, ethnic communities amalgamated in both KADU and KANU to fight for liberation. After independence, KANU and KADU merger in 1964 beckoned a sense of nationhood and illustrated a multi-ethnic political paradigm shift in Kenya's political history. Cheweya explains that; "...the sense of nationhood that appeared following the KANU-KADU merger was fragile and ethnic flame flared once again presenting itself in the form of tribal nepotism and regional nepotism, a phenomenon that is perpetuated to date. The nation state is an arena marked by the struggle for ethnic control and aggrandizement of national resource."⁵²⁴

⁵²¹Ludeki Cheweya., *Op.cit*

⁵²² *Ibid*, p. 91

⁵²³Martin Odhiambo Ouma., *Op.cit*, p. 82

⁵²⁴ Ludeki Cheweya., *Op.cit*

Ethnic identity in the inter-ethnic land conflicts commonly arise from ethno-territorial conflicts. Ouma expounds that;

Ethno-territorial conflicts manifest through processes of residential segregation, conflicting group reside within separate housing blocks, separate neighbourhood, separate villages and each respectively; constitute majorities or minorities within separate regions and locales...depending on the actors, ethnic territory has either been an instrument for peace or for animosity in many regions.⁵²⁵

An informant's account confirms that the 1963 conflict in Mt. Elgon area was an ethno-territorial related conflict. Besides, the KANU and KADU political affiliations, ethno-territorial aspects also cropped up in the conflict. Both the Sabaot and the Bukusu claimed that Mt. Elgon area was their familial land.

A District Commissioner from Kakamega was assigned to arbitrate the Bukusu-Sabaot conflict in 1963. During the hearing, the Sabaot claimed that Mt. Elgon area was their ethno-territory. As a proof, the Sabaot produced instruments of power (a file, a crown and a *rungu*) of their Sebei leader who ruled the area that extended to Mt. Elgon area before the European intrusion. The items were under the custody of one Enos Kiberenge, a Sabaot warrior.⁵²⁶ The Truth Justice and Reconciliation Commission (TJRC) reports that;

As the country approached independence in 1963, many communities that had lost land to the colonial administration and its settlers were eagerly awaiting restoration of their land at no charge. While some of the landless community members squatted in certain areas in hope that their occupation would be recognized by the government, others took a confrontational and violent approach to land on

⁵²⁵ Martin Odhiambo Ouma., *Op.cit*

⁵²⁶ Edward Wanyonyi., *Op.cit*

grounds of recovering their land which had been alienated by the Europeans.⁵²⁷

Thus, during the 1963 Bukusu-Sabaot inter-ethnic conflict the Sabaot wanted to evict the Bukusu from their ethno-territorial land around Cheptais and Chesikaki.

An informant account points out that the Bukusu impinged on Chesokwa land like the Soy. The unoccupied land that was adjacent to Mt. Elgon forest was cleared by the Bukusu and the Soy for farming and settlement. The Sabaot were enraged by the Bukusu pride and abusive nature. They also felt that the Bukusu were eating into their ethno-territorial land.⁵²⁸ Ouma posits that; expression of raw ethnic hatred, which is often a pretext for deeper hatred, induces ethnic conflicts⁵²⁹

This sparked the 1968 conflict at Chesokwa, the Bukusu were evicted and displaced. An informant's account intimates that a Bukusu hawker was informed to go and buy a bull from the Sabaot homestead, he went as directed and negotiated the price and even paid for the bull. Incidentally, the bull did not leave the homestead but a group of Sabaots attacked the hawker and killed him. It looked like a set-up. The Bukusu took arms and attacked the Sabaot in revenge; ethnicity was at play as the Sabaot called the Bukusu *lamek* meaning 'alien'.⁵³⁰

Khamala explains the magnitude of the animosity that went beyond imaginable undertakings. For instance, the poisoning of water sources so that the other community (Bukusu) would suffer. A case in point is given the settlement pattern and general topography of the land; most rivers originate from areas predominantly peopled by the

⁵²⁷Truth Justice and Reconciliation Commission., *Op.cit*, p. 206

⁵²⁸ John Musee., *Op.cit*

⁵²⁹Ouma, M.O., *Op.cit*, p. 99

⁵³⁰ John Musee., *Op. cit*

Sabaot. Khamala exposes a deliberate and sinister move by the Sabaot during war time of dumping dead donkey in river ways with the intention and purpose is to contaminate river water downstream used by the Bukusu. The resultant of such despicable actions has been outbreak of waterborne diseases like typhoid.⁵³¹

The ethnic hatred between the Bukusu and Sabaot persisted in the 1975, 1991-1992, 2006-2008 conflicts. An informant accounts confirms that in 1991-1992 Bukusu-Sabaot inter-ethnic conflict in Mt. Elgon area, the Sabaot used a coded statement to evict the Bukusu. The implicit statement that, *beans cannot exist with maize* was a clarion call for the Sabaot to evict the Bukusu from Mt. Elgon area. As well, the Sabaot claimed that the Bukusu were proud and abusive and had intruded on their ancestral land.⁵³²

According to an informant, the Sabaot Land Defence Force planned to uproot the Bukusu from Mt. Elgon area to Chwele boundary or beyond because Mt. Elgon area is a Sabaot ethno-territorial land. During this period, just before military operation dubbed operation *Okoa Maisha*, the Sabaot Land Defence Force massacred nine Bukususes working in a farm in a village called Rwanda.⁵³³

An informant account opened that the Bukusu have been viewed by the Sabaot as aliens and were referred to as *lamek* –meaning aliens, this gesture of ethnic profiling has contributed immensely to the construction of ethnic identities and Bukusu-Sabaot inter-ethnic land conflict in Mt. Elgon area.⁵³⁴ Wasike sheds light on this in the statement that; there exists discontentment among different ethnic groups in the area. Some ethnic groups

⁵³¹Geoffrey Khamala., *Op.cit*, p. cxiv

⁵³² John Musee., *Op.cit*

⁵³³ *Ibid*

⁵³⁴ James Kimutai., *Op.cit*

have been perceived to be intruders and therefore benefiting from what is not meant to be theirs.⁵³⁵

This study contended that, pre-existing conditions incubated the Bukusu-Sabaot inter-ethnic conflicts in Mt. Elgon area; some of which include ethnicity, proliferation of Small Arms and Light Weapons, government policies, colonial legacy and gender dimensions.

4.4 Government Policies in the Bukusu-Sabaot Inter-ethnic land Conflict

The Government trigger of the Bukusu-Sabaot inter-ethnic conflicts manifests in threefold. Firstly, the colonial government deliberate incapability to fix the land problem in post-colonial Kenya through a cogent policy. Secondly, the ineffective post-colonial Kenyan governments' Sabaot resettlement programme in Chebyuk settlement scheme. Lastly, claims of the government orchestrating the conflict for political ends.

The decade of 1960's in Africa was presaged as an era of restitution and optimism across the continent. It has been termed as the decade of independence in Africa. Many African nation states attained independence during this period including Kenya.

The outburst of exhilaration witnessed during the pomp that marked Africans new found sovereignty was shortly dimmed by orchestrated schemes by the very nationalist that championed for freedom from colonialists and were its entrusted custodians.⁵³⁶

Mutua writes that; the wave of opportunism that dotted the decade preceding Liberation in Africa was in a short while dimmed. The huge burst of hope was soon eclipsed by a series of limitless despair, coups, civil unrest, combative and undemocratic regimes, corruption,

⁵³⁵ Charles Wasike., *Op.cit*, p. 42

⁵³⁶ Odinga, O: *Not Yet Uhuru*, (Nairobi: East African publishers; 1967); p. 253

embezzlement of public funds and refuges inflows.⁵³⁷ The new crop of African leaders turned into autocratic leaders, perpetuating the very undemocratic archetypes they abhorred and fervently opposed during the colonial era. They betrayed the emancipation cause and extended colonial policies and despotism. Were and Amutabi posits that;

...in some African countries, the extreme nationalists became reactionaries and opponents of multi-party democracy, some like Hastings Kamuzu Banda and Kenneth led their countries into one party rule. They soon became openly undemocratic and their anti-democracy started to betray the very causes they had been safeguarding against colonialists. The fear of democracy by the first crop of African leaders did not augur well for Africans political development. The parties that won elections at independence soon converted themselves into autocratic instruments.⁵³⁸

In Kenya, during the independence transition period, the independence government did not review colonial land policies as widely projected. The colonial government had already recognized private land registration by 1956 and had reviewed laws on customary land rights. The Ndung'u report asserts that land grabbing in Kenya is a colonial phenomenon, it is a legacy executed by the colonial authorities at the behest of colonial land policies promulgated during the colonial period at the expense of native Kenyans. The unfortunate culture was perpetuated by successive post-colonial regimes of Moi and Kenyatta. Land policies were mutilated anyhow or suppressed altogether to reward political fanatics and those who were in tandem with the powers that be. The finding of Ndung'u report massively indicts the Moi regime for wanton land grabbing as a political measure to remain afloat.⁵³⁹ The TJRC report indicates that;

⁵³⁷Makau Mutua: *Kenya's Quest for Democracy* (Kampala: Taming Leviathan; 2008); p. 2

⁵³⁸E. M. Were and M.N. Amutabi., *Op.cit*, p. 69

⁵³⁹ *Ndung'u report*, (Nairobi: Government printers; 2013); p. 1

...the independence government adopted the colonial land policies virtually in its totality. The report states that; by the time Kenya attained independence in 1963; the British colonial administration had established a new system of land tenure, based on a number of laws which were adopted by independent Kenya at independence. In the newly-introduced land tenure, ownership of land would be (and still is) signified and evidenced by ownership of title to land.⁵⁴⁰

It also emerged that in the run up to independence elections in 1963, Kenya African National Union (KANU) that formed the independence government did not include land for the landless in their party manifesto in 1963. The state of affairs prompted the Kenyan communities to agitate for the return of their ancestral land that was by illegally and perversely alienated from them. There were also freedom fighters that put their lives on line to fight for liberation supposing that they would get back their dispossessed land.⁵⁴¹ On the other hand, a section of KANU radicals considered it an apparent pledge to be fulfilled by the incoming government. Collins Leys writes that; "...it was regarded by some as a commitment of honour and especially by some of the Kikuyu leaders most identified with the forest fighters."⁵⁴²

The Sabaot community that had suffered historical land injustices during land consolidation in the colonial period anticipated to be resettled in parts of the colonial Trans-Nzoia settlement scheme that stretched from Mt. Elgon in the present Bungoma County, parts of Lugari in Kakamega County, parts of Uasin Gishu County to the present Trans-Nzoia County. In its place, the independence government resettled the Bukusu and other Luhyas in Trans-Nzoia. The Sabaots were evicted from the colonial Trans-Nzoia in 1920's in an operation christened 'Elgon Maasai Kwenda' from what they still consider

⁵⁴⁰Truth Justice and Reconciliation Commission, *Op.cit*, p. 233

⁵⁴¹*Ibid*, 206

⁵⁴²Collin Leys: *Underdevelopment in Kenya: The political Economy of Neo-colonialism* (Nairobi: Heinemann; 1976); p. 214

their familial land in colonial Trans-Nzoia. Also, the ministry of land and resettlement was converted into the ministry of lands and settlement. During this period, re-grabbing of Sabao land by the allies of Kenyatta, Moi and Masinde Muliro continued.⁵⁴³ The post-independence government in Kenya allowed the culture of grabbing land by party henchmen and allies. Kidombo expounds on this; that, the grabbing of public land is a contemptible practice perpetuated from the colonial times and perfected by the last two regimes of Moi and Kenyatta. The post-independence reward apportionments targeted politically correct personalities who were sensibly considered ruling party stalwarts in national body politics at the expense of the rest of Kenyans.⁵⁴⁴

Inefficient land policies by the incoming government sparked inter-ethnic conflicts across the country. The landless people, especially among the former squatters or labourers on settler farms, displaced during the establishment of settlement schemes, the ex-convicts or their dependents who had been denied their land in the process of land consolidation took arms to demand their dispossessed land. It should also be noted that during land registration, only the male members of the households were registered. This disfranchised the families whose male heads of families were in detention or were among the forest fighters.⁵⁴⁵

The failure by the government to satisfactorily fix the colonial land injustices in Kenya was further worsened by the political merger of Kenya African National Union (KANU)

⁵⁴³ Truth Justice and Reconciliation Commission., *Op.cit*, p. 191

⁵⁴⁴ Pius K. Kidombo: *The Architecture of Corruption in Kenya* (Nairobi: Sino printers and publishers; 2007); p. 24

⁵⁴⁵ Collin Leys., *Op.cit*, p. 214

and Kenya African Democratic Union (KADU) in 1964. At the outset, the regions that overwhelmingly supported KADU were the least involved in wage labour and cash crop production. The regions, therefore, experienced less land alienation atrocities during the colonial era. Collin Leys adds that;

KADU leaders had been attractive to the European politicians precisely because of relative abundance of land in their areas, and their fears that KANU might try to take it away under the pretext of nationalization and distribute it to landless people from other tribes.⁵⁴⁶

An informant explains that in Mt. Elgon area, the Bukusu supported KADU while the Sabaots supported KANU. The Sabaots believed that through KANU their historical land injustice would be addressed through land redistribution programme.⁵⁴⁷ But, as Collin Ley puts it, this was far from the truth, as majority of KANU leaders harboured contradictory interests.

Ley states that; ...this was not the intention of most KANU politicians. On the contrary most of these were interested in becoming large land owners and were as anxious as anyone to ensure that landed property in all its forms would not be threatened.⁵⁴⁸

This was noticeably exposed instantaneously after Kenya was granted independence. In a surprise turn of event, antagonism between KANU and KADU was suddenly and effortlessly melted and replaced by a cancerous irresolution and enduring hostility between the moderates and radicals in the new political formation and dispensation.⁵⁴⁹

⁵⁴⁶ *Ibid*

⁵⁴⁷ Simon Ngeywa., *Op.cit*

⁵⁴⁸ Collin Leys., *Op.cit*

⁵⁴⁹ *Ibid*, p. 212

By mid-1960's landlessness was still a major problem in Kenya but, with little pressure. Kenya people's Union emerged as a crusader of squatter grievances. The land pressure had been absorbed by the squatter and Harambee settlement schemes, private purchase of land farms by cooperatives companies. On cooperative companies' farms squatters secured a place as a labour force or farmed it collectively. The anticipation that Kenya People's Union (KPU) would provide alternative to the entrenched land question in Kenya faded with the fact that they had to recognize the existing land ownership peasantry. They radically proposed the repossession of the small pockets Kenyan white settlers land for the resettlement of the landlessness Africans at no cost.⁵⁵⁰ Collin Ley wrote that;

This was substantially true; the question was what the KPU would propose as an alternative so long as they hoped for popular support they had reckon with intense commitment of the majority of the land owning peasantry to their land, a commitment made more sensitive by growing land hunger and insecurity during the years of colonial administrations. Consequently, they proposed only that land should be taken from the remaining non-Kenyan white settlers and given free to the landless and that no African owned land should be expropriated.⁵⁵¹

The preceding discussion establishes how national government at independence failed to solve the colonial land injustices especially in Mt. Elgon area. Ley adds that; the independence government selectively and discriminatingly aided and abetted some communities to settle in the infamous white highlands in Rift Valley through land buying companies.⁵⁵²

An informant account stated that the Sabaot were not resettled as expected but in their place the Bukusu were resettled in their familial land in colonial Trans-Nzoia that included

⁵⁵⁰ *Ibid*, p. 227

⁵⁵¹ *Ibid*, p. 225

⁵⁵² *Ibid*, p. 57

Mt. Elgon. This created ethnic animosity and was instrumental in shaping the Bukusu-Sabaot inter-ethnic land conflicts in Mt. Elgon area.⁵⁵³

The land registration conducted by the national government in 1956, considered as a faulty practice was not revisited, the problem of historical land injustice remained unresolved and new system of capitalism and ownership of private property including land under the guise of African socialism was introduced.⁵⁵⁴

The unresolved historical land injustices in Mt. Elgon area by the state through impractical government policies sparks inter-ethnic conflicts as affected communities resorted to violence as a means to solve their land problems. This brings in the application of this study theory of instrumentalism where elites mobilize the factors of ethnicity to influence inter-ethnic conflicts to protest government ineffectiveness to solve historical land injustice. The TJRC report states that;

The marginalized Sabaot took up arms in Mount Elgon area to protest decades of conflicts over land allocated to them as squatter when, in fact, they were owners of the land. The unchecked violence in Mount Elgon area escalated in 2006 and 2007 when the Sabaot Land Defence killed hundreds of people perceived to be outsiders and their collaborators in protest over grabbing of their rights in Chebyuk area.⁵⁵⁵

The genesis of maladministration in land redistribution in Chebyuk settlement scheme has spawned inter-ethnic conflicts which have contributed to human rights abuses and other atrocities. Political interests have overridden an otherwise vital exercise. The initial plan to resettle Sabaot intra-ethnic group [Ndorobo] was hijacked by political machination in favour of a Sabaot intra-ethnic group [Bok] under the influence of the then Member of

⁵⁵³ Patrick Kiprop, *Op.cit*

⁵⁵⁴ Truth Justice and Reconciliation Commission, *Op.cit*, pp. 233-251

⁵⁵⁵ *Ibid*, p. 309

Parliament, Daniel Moss enabling the latter to encroach on Chebyuk Phase One. Imbuye reveals that; the initial settlement of the Ndorobo in Chebyuk Phase I was from 1971 to 1974, more land was cleared than required by colluding with the provincial administration. Under influence of Daniel Moss, the Bok encroached on this Chebyuk Phase I and slowly outnumbered the Ndorobo.⁵⁵⁶

An informant account pointed out that the government delay to formally allocate land in Chebyuk Phase I settlement scheme presented an opportunity for the Bukusu to intrude on the scheme. The Bukusu-Sabaot inter-ethnic conflicts in 1968 were caused by the Bukusu intrusion on Sabaot land at Chesokwa; Chesokwa was part of the Chebyuk Phase I.⁵⁵⁷

When Wilberforce Kisiero took over from Daniel Moss in 1979, he sought to address the plight of those who missed out land on political grounds under the stewardship of Daniel Moss. Kisiero successfully petitioned the case of the deprived Sabaot. With the approval of the government, Chebyuk Phase II was created. Land was identified at Cheptoror and Kaimugul to resettle principally the disfranchised Sabaot intra-ethnic groups. This exercise was also marred with favouritism and became grounds of political reward for sycophants and sympathizers of Kisiero. It left many people disgruntled and discontented.⁵⁵⁸

An informant's account states that the exercise was administered by the former Provincial commissioner, Francis Lekolool and District Commissioner William Chang'ole, but it was riddled with corruption until the frustrated Sabaots successfully protested the annulment of

⁵⁵⁶ Imbuye, B., *Op.cit*, p. 102

⁵⁵⁷ Simon Ngeywa., *Op.cit*

⁵⁵⁸ Oloo, A., (2010). *'Marginalization and the Rise of Militia Groups in Kenya: Mungiki and Sabaot Land Defence'* in ed. Wafula, O. & Ikelegbe, O. *Militias, Rebels and Islamist Militants –Human Insecurity and state Crises in Africa* (Tshwane (Pretoria): S.A: Remata Enathi; 2010); pp. 166

the exercise.⁵⁵⁹ Imbuye's study highlights that; during the 1992 general elections the Sabaot who had been left out of the allocation of the land ganged up with the Bukusu up against Kisiero who lost to Kimkung.⁵⁶⁰

An informant states that following the inaugural multi-party elections in Kenya in 1992, Bukusu-Sabaot inter-ethnic conflicts broke out, the Bukusu were basically targeted by one faction of the Sabaot sub-tribe for working with their Sabaot rival ethnic groups in the geopolitics of Mt. Elgon area.⁵⁶¹

According to a key Informant, John Serut claimed that he delayed the phase three allocation because he wanted to protect the interests of the Bok. The Sabaot intra-ethnic group (Kony) invaded the Chebyuk Phase III, hived off it from the forests and lay claim on it. In 2001, Fred Kapondi led a delegation to state house to request for the resettlement and issuance of title of the Sabaot squatters in Mt. Elgon area. The president approved and land was identified in Chepkurkur and Korng'otuny.⁵⁶² Imbuye reveals that, '...the government cancelled Chebyuk Phase I and II allocations and created Chebyuk phase III in 2002.'⁵⁶³

An Informant accounts spells out that corruption, replayed out in Chebyuk Phase III allocation. The implementation was also muddled with high applications. The Sabaot intra-ethnic group (Ndorobo) also demanded inclusion in allotment, with the help of the area Member of Parliament John Serut; they were incorporated for the reason that John Serut

⁵⁵⁹ Benjamin Kirwa., *Op.cit*

⁵⁶⁰ Imbuye, B., *Op.cit* pp. 105-6

⁵⁶¹ James Kimutai., *Op.cit*

⁵⁶² Phillip Chemonges., *Op.cit*

⁵⁶³ Imbuye, B., *Op.cit*, p. 120

wanted to punish the Sabaot intra-ethnic group (Soy) for voting against the 2005 proposed constitution in the referendum.⁵⁶⁴ Imbuye observes that;

The area of Chepkurkur and Korng'otuny formed phase III of the Chebyuk. People who farmed in this area were evacuated when reforestation project sponsored by the Government of Finland commenced, the problem of squatters in Mt. Elgon emerged...⁵⁶⁵

The involvement of John Serut in the land conflict in Mt. Elgon area brings in the application of this study theory of historical instrumentalism. Informant accounts states that, those who were evacuated from Chebyuk Phase III areas before gazette notification and those who missed out in the fresh allotment exercise in 2002 sought litigable interjection and were granted. But the government agents acted with impunity in the eviction exercise, especially after the proposed constitution referendum in 2005. The eviction exercise was inhumane despite the restraining court order.⁵⁶⁶ The UNDP/OCHA report states that; there were perceptions of disregard for the purpose of law by government and general feeling of bitterness and anger among the displaced Sabaot ethnic group (Soy). The Sabaot Land Defence Force was formed.⁵⁶⁷

An account from one informant indicated that the Sabaot Land Defence Force targeted the Bukusu during the 2006-2008 conflicts because they viewed the Bukusu as their competitors in access of land in Mt. Elgon area. The Bukusu were also shielding some Sabaot fugitives who were sought by the Sabaot Land Defence Force (SLDF). They also

⁵⁶⁴ Agness Masai., *Op.cit*

⁵⁶⁵ Imbuye, B., *Op.cit*, p. 107

⁵⁶⁶ Agnes Masai., *Op. cit*

⁵⁶⁷ UNDP/OCHA., *Op.cit*, pp. 17-8

wanted to expel the Bukusu from Mt. Elgon area which is perceived to be their ethno-territory.⁵⁶⁸

The government was also indicted for instigating the 1992 ethnic clashes in Mt. Elgon area. During the 1992 reintroduction of multi-party elections, the government fronted its candidates and manipulated votes in its favour. Reliably, the government orchestrated ethnic violence in pro-opposition zones to scare voters as well as forcefully displace them in the run up to the election.⁵⁶⁹ Munene argues that;

Government also cause inter-ethnic conflicts for its own reasons, out of desperation sometimes, African governments have created poverty by mounting wars on their own citizens, in the hope that they can stave off popular demands for change. The violence id generated in the form of clan clashes, ethnic clashes, and cattle raids across the borders or as in the case of Sudan, a full blown war.⁵⁷⁰

Reports emerged of state machinations in the 1992 conflicts. It was alleged that the state was importing metal arrows and arming Kalenjin warriors to create a traditional warfare based on historical enmities between the Kalenjin and their non-Kalenjin neighbours.⁵⁷¹ Haugerud claims that; slow and half-hearted responses by the provincial administration and security contingents facilitated the fighting to escalate. Curiously, detained accused persons were set free before even taking plea in courts of law, and that youthful ‘warriors’ were mobilized and transported to conflict areas as mercenaries for reinforcement.⁵⁷²

⁵⁶⁸ James Kimutai., *Op.cit*

⁵⁶⁹ Charles Wasike., *Op.cit*, p.52

⁵⁷⁰ Munene, M. : *Historical Reflection on Kenya: Intellectual Adventurism* (University of Nairobi: Politics & International Relations; University of Nairobi press; 2012); p. 87

⁵⁷¹ Angelique Haugerud: *The culture of politics in Modern Kenya* (London: Cambridge University press; 1993); p. 73

⁵⁷² *Ibid* p. 72

An informant narrated that, on the third day of the 1991-1992 Bukusu-Sabaot ethnic conflicts, police deployment was all over Chelebei and other hotspot areas like Rwanda. But, Sabaot warriors emerged from the forest and killed a man called William Nyongesa at Kakilongo School. According to the informant, the Bukusu killed a Sabaot domestic worker at the home of Sub-chief Simon Kimutai, because he wanted to attack a Bukusu neighbour. Police from Chesikaki were deployed at sub-Chief's home; they randomly shot a Bukusu onlooker under the pretext of dispersing the crowd. The informant claimed that during the 1991-1992 Bukusu-Sabaot inter-ethnic clashes, local provincial administrators acted in favour of the Sabaots. Police deployment in Mt. Elgon area was with ethnic bias, majority of the officers deployed to restore calm in the area were Kalenjins.

Another account by Cheweya that is in support of the above is that, in response to the re-introduction of pluralism in Kenya at the turn of the last decade of 20th century in Kenya. KANU was reported to have adopted a strategy of repression and organized violence against opposition elements while blaming it on the opposition.⁵⁷³

Government involvement in intra-ethnic conflicts exposes its image to the citizenry from an otherwise protector to a potential predator. Accusations and counter-accusations are traded between the government and opposition, on who is really responsible for the inter-ethnic conflicts. In Mt. Elgon area, the failure by the government to resettle the Ndorobo and the Soy in Chebyuk settlement scheme since 1989 resulted into Sabaot intra-ethnic conflicts in Mt. Elgon which escalated to inter-ethnic land conflicts. Based on Charles Wasike, Mt. Elgon conflict is complex in that; it starts with a few clans then spreads over to other tribes in the area. It is the reason why the Sabaot have conflicts with other tribes

⁵⁷³ Ludeki Cheweya., *Op.cit*, p. 99

like the Teso and the Bukusu. They see them as aliens who are just after grabbing their land.⁵⁷⁴

Informants affirmed that the hiving off of Mt. Elgon district from Bungoma district in 1993 heightened the Bukusu-Sabaot inter-ethnic land conflict. The presidential decree was taken to mean Mt. Elgon area and apparently the land, belonged to the Sabaots.⁵⁷⁵ Wasike confirmed that,

...since the clashes of the early 90s, Mount Elgon has achieved its own status as a district, and many residents viewed it as a sense of triumph that finally they are able to administer their land, though there is still a lot of concern over land shortage, as the population increases.⁵⁷⁶

An informant restated that; during the 2006/8 skirmishes in Mt. Elgon area, the conflict was generally intra-ethnic affecting the Sabaot sub-ethnic but in the later stage of the conflict, the Sabaot Land Defence Force paramilitaries started to target the Bukusu. It was also alleged that SLDF were targeting to force out the Bukusu from Mt. Elgon area and had listed their land to be grabbed and dished out to the Sabaot. The informants also claim that Sabaot use conflicts as an avenue to coerce the Bukusu, who in the long run are constrained to sell their land to them at an irrational price.⁵⁷⁷ This is also noted in the UNDP/OCHA report which asserts that;

...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 ethnicity perpetuated by political leadership or militia group. Such leadership and

⁵⁷⁴ Charles Wasike., *Op.cit*, p. 6

⁵⁷⁵ Regina Namalwa, *Op. cit*

⁵⁷⁶ Charles Wasike., *Op.cit*, p. 47

⁵⁷⁷ Lydia Chebe.t, *Op.cit*

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.⁵⁷⁸

This brings in the application of this study theory of instrumentalism, where politicians and Loibons in cohort with the Government operatives manipulated the election climate to influence the aspects of ethnicity to gain land in Mt. Elgon area.

An informant accounts that the creation of Mt. Elgon district in 1993 by president Moi was interpreted by the Sabaot as a secessionist move to break away from the Bukusu. Mt. Elgon therefore, was a declared a Sabaot ethno-territorial land.⁵⁷⁹ This further intensified Bukusu-Sabaot inter-ethnic land hostilities in Mt. Elgon area.

4.5 Gender Dimension in the Bukusu-Sabaot Inter-ethnic land Conflict

The Oxford Advanced Learners' dictionary describes gender as the virtue of being male or female. In light to cultural differences, gender is the fact of being male or female, especially when considered with reference to social and cultural differences.⁵⁸⁰

Among the Bukusu and Sabaot gender sensitivity is prevalent where both communities practice patriarchy. From the oral tradition, the aspect of patriarchy has been entrenched from the stories of origin. Khamala asserts that; both the Bukusu and Sabaot social fabric is gender biased in favour of the male gender. Khamala further explains that these constructed social webs are reinforced and buttressed by patriarchal mind-set illustrated

⁵⁷⁸UNDP/OCHA., *Op.cit.*, p. 9

⁵⁷⁹ James Kimutai., *Op.cit*

⁵⁸⁰Joanna Turnbull *et al*: *Oxford Advanced Learner's dictionary of current English: International students edition 8th ed.* (London: Oxford University press; 2010); p. 622

variously in their diverse cultural facets. Suffice to say, in both ethnic societies male gender has been considered superior over the female gender. Khamala writes;

...the founding fathers of both the Bukusu and Sabaot were men. Bukusu and Sabaot genealogies are basically those of men and the different categories of genealogical information such as place names, occupation and family names.⁵⁸¹

Based on Kakai and Makila's account, the Bukusu regard Mubukusu son of Masaba as their ancestor while the Sabaot, especially the *Kony* honour *King'oo* who together with his wife *Tamunae* bore the following children, *Kupsomek*, *Kongin*, *Kibok*, *Kumosop*, *Kipsengwer* and *Kibongoin* who later became ancestors of *Somek*, *Bok*, *Kony*, *Sengwer*, *Mosop* and *Bungomek*.⁵⁸² Khamala reiterates that existing kinship ties and relations in the family, lineage and clan spheres in both the Bukusu and Sabaots are uniquely knitted to fashion a patriarchal command structure and a subconscious political order which has steadily been an apparent fertile ground upon which ethnic identities have been created, nurtured and thrived.⁵⁸³

Gender dimensions illustrate the composition of family, lineage, clans, ethnic and ethnicity based on the male members of the household. The father is the leader in the household and children are his progenies and they both belong to the same clan. The family unit of a clan forms a subset of a clan – different family units form a clan and different clans based on the male descendants constituted an ethnic group. Khamala confirms that; gender plays a decisive role in the construction of the family, lineage, clans, ethnic and ethnic groups. The Bukusu and Sabaot kinship system of classification reckon kin relations based on the idea

⁵⁸¹Geoffrey Khamala., *Op.cit*, p. lxxi

⁵⁸² Makila, P. W., *Op.cit*, pp.31-62

⁵⁸³Geoffrey Khamala., *Op.cit*,

that children descend from father. As such, the family and kinship groups at broader level of understanding constitute an ethnic group.⁵⁸⁴

An informant account asserts that the traditional land freehold structure amongst the Bukusu and Sabaots is gender prejudiced. Only the male members of the society inherit land, portraying gender inequality and discrimination.⁵⁸⁵ Wasike, however, argues that; education has been a major force for change although several residents acknowledge that some discrimination remain against girls, the numbers attending school has risen significantly.⁵⁸⁶

Traditionally, men were socialized to defend the community, among the Bukusu and Sabaot, at puberty. Khamala supports this argument when he writes;

...it emerged that young men are easy to mobilize and arm to fight individually or part of a unit to defend their community since they were socialized during puberty rituals.⁵⁸⁷

Despite the global paradigm shift in cultural realms, perceptions that men have to secure their societies against external incursion are still rife among the Bukusu and Sabaot. Cultural dissemination still reinforces masculinity and femininity.⁵⁸⁸ Even so, Berkely observes that; in practice, it seems that men and women increasingly play equally important economic roles, particularly since education has altered the range of employment opportunities open to women.⁵⁸⁹

⁵⁸⁴ *Ibid*, p. lxxii

⁵⁸⁵ Peter Wandabwa, (a retired District Officer from Kaptama), interviewed on 24/2/2019

⁵⁸⁶ Charles Wasike., *Op.cit*, p. 30

⁵⁸⁷ Geoffrey Khamala., *Op.cit*, cxiv

⁵⁸⁸ Nyerere, J.K: *Socialism and Rural Development in Ujamaa Essays on Socialism*, (London: Oxford University press; 1968); pp.106-144

⁵⁸⁹ Hans Berkely: *The inter-play between women empowerment in Kenya: A case of western province* (New York: Brett publication, 2004); p. 21

Some years prior to the Burundi annihilations and the Rwanda ethnic cleansing, pressure between the Tutsi and the Hutu had escalated to frightening level. Inexplicably, sophisticated Hutu men became prospective prey to the Tutsi controlled military predators in Burundi in 1972 the period ensuing after a mutiny by Hutu radicals.⁵⁹⁰ Kaarsholm furthers exposes that; the same obnoxious scenario was mirrored in the disastrous Rwandan Genocide. In a striking sameness, restrained males from both the Hutu and Tutsi ethnic divides were flogged, routed and massacred by the Hutu radicals.⁵⁹¹

An informant account confirms the Bukusu and Sabaot inter-ethnic conflict in Mt. Elgon area has been mostly between men. In 1963, Chesikaki was one of the hotspots of Bukusu-Sabaot conflicts. The Bukusu and Sabaot men were armed with *rungus* (clubs) and arrows, Bukusu women and children were sent away to the neighbouring areas of Chwele, Sirisia and Namwela. The informant confirms that Sabaot women were also conspicuously missing.⁵⁹² The UNDP/OCHA further reports that; there was mobilization of young men to join militias, under blessings of some elders (Loibons). The armed struggle for the land was male dominated.⁵⁹³

An informant explanation also point out that during the 1991-1992 Bukusu-Sabaot inter-ethnic conflicts Kikai was an epicentre of the sporadic conflicts. At Kikai, armed Bukusu men pursued Sabaot men who had attacked and raided livestock from homes of Mzee Teta, Ainea Wanyonyi and Frank Wasilwa. They had also killed four Bukusu men who included, Mulongo, Tonshore, Yohana and Dismas. An estimated twenty-seven cattle had been

⁵⁹⁰ Kaarsholm Preben: *States of Failure, societies in collapse? Understanding of violent conflicts in Africa* (London-Oxford: Preben Kaarsholm (ed.) (2006) *Violence political culture & Development in Africa*); p. 2

⁵⁹¹ *Ibid*

⁵⁹² Electina Nasimiyu., *Op.cit*

⁵⁹³ UNDP/OCHA., *Op.cit*, p. 25

taken away from the Bukusu. The Bukusu noticing that Sabaots had guns and were using the Kutere route back to Marseek; they ambushed and attacked them at *Keptunguru* making away with about seven cattle. At Chelebei hotspot in 1975, the informant narrated that Sabaot warriors (young men between fourteen years to thirty) attacked and killed Phillip Shadrack who had dared to attack them with spear when he heard of their imminent attack. Sabaots were avenging the Bukusu encroachment on Chesokwa land.⁵⁹⁴

Khamala's field data expounds that; the skirmishes that littered the outset the last decade of the 20th century in Mt. Elgon area pitting the Bukusu against the Sabaot were largely ignited by gender dimensions. Recounted trends demonstrate the criticality of young men in the perpetration of the conflict. Khamala illuminates a context of militias of young men aged between fourteen and thirty-five across the ethnic divide in combat in the Bukusu and Sabaot inter-ethnic conflicts in early nineties.⁵⁹⁵

The foregoing proves that women are barred from political leadership and ethnically deprived the right to own land. The fashioned Bukusu and Sabaot ethnic identities interconnect with masculine and feminine inequities, to fuel tensions and conflicts in political and economic realm.⁵⁹⁶ On the same issue, Khamala's research found out persuasively that men and women alike are inexcusably in the expression of conflicts between the Bukusu and Sabaot. Women since the dawn of time as a cultural embedment have urged men on in the battlefields and have been instrumental in either idolising or vilifying men considered cowards.⁵⁹⁷

⁵⁹⁴ Edward Wanyonyi., *Op.cit*

⁵⁹⁵ Geoffrey Khamala., *Op.cit.*, p. cxii

⁵⁹⁶ *Ibid*, 56-108

⁵⁹⁷ *Ibid*

Women faintly fit into the sequence of conflict. As mothers, so the perception holds, women pass on narratives of their bigoted community history to their children. This propagates the mental state of injustice as well as rationalization for unrelenting fight for certain identity-based agenda (over generations).⁵⁹⁸ Kaarsholm confirms that; womenfolk subtly flares up inter-ethnic conflicts given their paternalistic place as social agents in cultural transmission through folklores, legends and general narrations of historical events to their children.⁵⁹⁹

While *Morans* (warriors) were prepared to be on war-alert, even militia leaders respect the voices of their senior female relatives.⁶⁰⁰ Men are expected to inherit land and in the same way protect it from external intrusion. Still, women appear to encourage them in the process of fighting to protect land.

To this end, the contribution of warriors to Bukusu-Sabaot inter-ethnic land conflict connects with this study's theory of instrumentalism. Elites use warriors to take up arms to fight for land based on ethnicity with vested interests.⁶⁰¹

4.6 The Political Factor in the Bukusu-Sabaot Inter-Ethnic Land Conflicts

The electoral cycle in Kenya has been riddled with politically and ethnologically inclined conflicts since independence. The political climate around electioneering period across the political divide has always escalated into inter-ethnic tensions and violence especially in hotly contested presidential polls. As a palpable matter of historical accuracy, Njogu restates that ethnicisation of democracy in Kenya have often in a certain pattern plunged

⁵⁹⁸ UNDP/OCHA., *Op.cit*, p. 25

⁵⁹⁹ Kaarsholm Preben., *Op.cit*, p.3

⁶⁰⁰ UNDP/OCHA., *Op.cit*, p.21

⁶⁰¹ Electina Nasimiyu., *Op.cit*

Kenya into inter-ethnic animosity and skirmishes in the aftermath of the electioneering period. Njogu writes;

...Kenya has witnessed politically and ethnically instigated conflicts before and after every presidential and general election held in 1992, 1997, 2002 and 2007, especially in western Kenya, Rift Valley and Coast region.⁶⁰²

Elites manipulate the electoral process to protect their interests as well as monopolize state and natural resources through ethnic bigotry and violence. The elites hope to intimidate their competitors through violence and ethnic polarization.⁶⁰³ Giddens expounds that inter-ethnic conflicts are orchestrated and executed by organised gangs which influences the aspects of cultural diversity or homogeneity to trigger inter-ethnic conflicts apparently to seize power and control economic resources.⁶⁰⁴

This brings in the application of this study's Theory of Instrumentalism which espouses that influence of the elites manipulating the aspects of ethnicity to fuel inter-ethnic conflicts for certain cause. Apart from political elites, cases of government instigating inter-ethnic conflicts are common and likely. African governments in particular abuse the absolute power they have been vested with to negatively manipulate ethnic diversity of its citizenry by pitting them against each other, seemingly to advance their policies and interests. Jones adds that;

...the more power a government has, the more it can act arbitrary according to the whims and desire of the elite and the more it will make war on others and murder its foreign and domestic subjects. The more constrained power is

⁶⁰²K. Njogu: *Citizen Participation in Decision Making towards inclusive development in Kenya* (Nairobi: Twaweza communication; 2013); p. 81

⁶⁰³ Jeremy Lind and Kathryn Sturman: *The Ecology of African conflicts*, (Pretoria: University of Pretoria, Institute of security studies; 2002); p.110

⁶⁰⁴ Anthony Giddens: *Sociology*^{5th} ed. (New Delhi: Wiley India private limited;2006);p.1027

diffused, checked and balanced the less it will aggressive on others and commits homicide.⁶⁰⁵

The land question in Kenya is a colonial construction and it featured flagrantly during the Lancaster House Conferences in London. It was widely conceivable that a federal government would solve the land issue in Kenya regionally. Additionally, it has been contended that only a political way out can address the historical land question in Kenya. In a strict sense, such explication heightens rigidities and violence at the height of the electoral process.⁶⁰⁶ The TJRC report sheds more light on regional government solution to solve the land question in Kenya as follows, inexplicably, when President Kenyatta took over power, as a charm offensive amid the pomp and colour that characterised independence in Kenya, Kenyatta made a pronouncement of envisaged regional governments with ethnic authority over land rights in their jurisdiction.⁶⁰⁷

Prior to Kenyatta's pronouncement, the issue of land in Mt. Elgon area, entangled the 1963 elections. The hiving off of one hundred thousand and fifty acres of land from the colonial Trans-Nzoia settler scheme to create a settlement scheme for the Bukusu and other Luhyas in western Kenya instead of the Sabaot provoked the Sabaot to abandon KADU which emphasized on regionalism for KANU. The Bukusu-Sabaot relationship worsened with the refusal by the boundaries commission to annex Mt. Elgon area to Rift Valley province.⁶⁰⁸

An informant account asserts that the Sabaot felt betrayed by the government in favour of the Bukusu. This sparked an inter-ethnic land conflict in Mt. Elgon area in 1963.⁶⁰⁹ The

⁶⁰⁵Jones, A., *Op.cit*, p. 588

⁶⁰⁶ *Mkandawire, T., (1997) 'The Social Science in Africa: Breaking local Barriers and Negotiating International Presence' in African Studies Review vol. 40 No. 2 September Monthly News (1993), September, p.18*

⁶⁰⁷Truth Justice and Reconciliation Commission, *Op.cit*, p. 306

⁶⁰⁸ Kakai, W. P., *Op.cit*, pp.140-141ss

⁶⁰⁹ Simon Ngeywa., *Op.cit*,

Sabaot took advantage of the 1963 parliamentary election between Daniel Moss of KANU, a Sabaot and Julius Matifari of KADU, a Luhya to unleash violence against the Bukusu. Followers of Matifari were driven out of Mt. Elgon area, their houses and their livestock looted and vandalized. They were branded as aliens or intruders in Mt. Elgon area.⁶¹⁰ Cheweya noted that; politicians employ ethnic identities to aggrandize economic and political hegemony under the guise of protecting the welfare of the ethnicities but in a diametrical realism they only serve their vested interests.⁶¹¹

Another informant states that the Sabaot were opposed to KADU and its Majimbo philosophy because they feared that Bukusu would marginalize their land rights, especially after they unsuccessfully lobbied to be annexed to Rift Valley province.⁶¹²

Incidentally, the 1963, 1968, 1975, 1992 and 2006-2007, Bukusu-Sabaot inter-ethnic conflicts in Mt. Elgon area ensued during the electioneering period. The political climate gives latitude for the politicians to whip ethnic emotions on the problem of land in Mt. Elgon area. Cheweya argues that; Kenyan politics is muddled in ethnic bigotry disguised as party politics. Thus, electorates elect ethnicity over pragmatic issues and policies. Elections do not, therefore, reflect party interest. Instead, they reflect the wishes of ethnic groups; indeed, all political parties are ultimately built on ethnic foundation.⁶¹³

A global reforms movement advocating for the restoration of democracy sprung up in early 1989 in Eastern Europe, Africa and China. In Kenya, politicians Kenneth Matiba, Charles Rubia, Raila Odinga and Jaramogi Odinga Oginga teamed up with other Kenyan

⁶¹⁰ Arap Kisembe, B.B.C., *Op.cit*, p. 123

⁶¹¹ Ludeki Cheweya., *Op.cit*, p. 92

⁶¹² John Musee., *Op.cit*

⁶¹³ Ludeki Cheweya., *Op.cit*, p. 96

politicians to demand for the repeal of section two A of the Kenyan constitution to allow multi-party democracy. Local and international pressure, especially from donor organizations and countries forced Moi to finally cave in.⁶¹⁴ Odhiambo states that; eventually, the KANU government gave into these pressures, amended Section 2A of the Constitution and permitted multi-party politics at the end of 1991.⁶¹⁵

The opposition outfit FORD soon after the enthusiastic outburst in 1991 would rip into factions by May 1992. Odinga led one splinter group called FORD Kenya and Matiba was at the helm of FORD Asili.⁶¹⁶ Cheweya adds that; as the clamour for the multi-party systems gained momentum in Kenya in the early 1990s, president Moi prophesied that such a political system would undermine statehood, polarize the society along tribal lines and plunge the country into ethnic violence.⁶¹⁷

The unresolved question of land cropped up at the height of the pursuit for multi-party politics in 1992. The TJRC report points out an intertwined and inseparable connection between historical land injustices and multi-party politics and their upshot on ethnic violence in Kenya.⁶¹⁸ Multi-party politics in 1992 re-kindled the Majimbo debate which was popular among the Kalenjin and Maasai who had suffered historical land injustices. It was probable that a Majimbo government would solve contentious issues including land.

⁶¹⁴Odhiambo, E.S.A. : *Makers of Kenya's History* (Nairobi: East African Education Publishers; 2003); pp. 30-31

⁶¹⁵*Ibid*, p. 30

⁶¹⁶*Ibid*

⁶¹⁷Ludeki Cheweya., *Op.cit*, p. 95

⁶¹⁸Truth Justice and Reconciliation Commission., *Op.cit*, p. 305

This reverberated in Mt. Elgon area. Those who opposed plural democracy rooted for Majimboism, which they projected would unravel the historical land injustices.⁶¹⁹

The TJRC report further elaborates that, the December 1992 violent conflicts reverberated and spill over to Mount Elgon and Bungoma localities with numerable ramifications including momentous fatalists pitting the pro-Majimbo Sabaots and Teso on one side against the quasi-pluralism FORD Bukusu.⁶²⁰

In addition, claims of KANU government orchestrating inter-ethnic conflicts as a strategy to remain in power in 1992 arose. Aggrieved communities, who believed that unresolved land issues could be solved through politics, took arms against their perceived adversaries. This is highlighted by the TJRC when it reports that the simmering conflicts were inclined on the political ideology of recuperating familial land hitherto impinged by those deemed as immigrants ethnologically sanctioned by political machination.⁶²¹ During this study, a key informant narrated that:

In 1992, Sabaots in Mt. Elgon area started to deceptively accuse the Bukusu for larceny and other trifling offenses. The culprits were killed by the Sabaots, this upset the Bukusu. The Bukusu holds that the Sabaots historically have created such unfounded skirmishes to provoke the Bukusu to take arms to retaliate and spark violence. The Bukusu at Machakha revenged against the Sabaots sporadic attacks on the innocent Bukusu. They killed twelve Sabaots who were attending a social gathering.

At Chesikaki, claims of the Sabaots warriors training emerged, conflicting speculations materialized as whether they had acquired guns from Uganda or had been given by the KANU government. The Sabaots attacks intensified; they attacked and killed Bukusus

⁶¹⁹ *Ibid*, P. 307

⁶²⁰ *Ibid*, p. 307

⁶²¹ *Ibid*, p. 306

indiscriminately in Chebonde, Chesikaki, Rwanda, Kikai and Kutere.⁶²² In support of the preceding, Cheweya advanced that;

In response to the re-introduction of opposition in 1991, KANU was reported to have adopted a strategy of repression and organized violence against opposition elements while blaming it on the opposition...depopulation strategy in the opposition strongholds through violence and destruction of property, fear was created which not only lead to population outflow, but also intimidate those remaining behind to the extent of not voting...KANU played one ethnic community against another leading to inter-ethnic strife. KANU intimidated otherwise loyal ethnic communities seen to be drifting to the opposition or wavering in their support for the ruling party.⁶²³

The re-invention of plural politics in Kenya was a blessing in disguise as ethnic bigotry reared its ugly face in the Kenya political landscape. It gave opportunity to politicians and elites to hide under the cover of politics to re-invent traditional ethnic rivalries and hatred. Politicians and elites took advantage of the new political dispensation to exploit and stage-manage ethnic violence in the pretext of safeguarding communities' interest but with vested interests. When the tensions and killings went silent, the issues of historical land injustices for example in Mt. Elgon area remained unresolved.⁶²⁴

The TJRC further disclosed the insincerity by the political class who pretentiously appear committed to address land phenomenon before the glare of cameras and on the hallowed floors of Parliament, some to the extent of exploring violence as an emancipation option

⁶²² Regina Namalwa., *Op.cit*

⁶²³ Ludeki Cheweya., *Op.cit.*, pp. 95-99

⁶²⁴ Harizon Malewa Chebukwabi., *Op.cit*, p.102

but realistically they and successive post-independence regimes have been the real impediment and saboteurs of land reforms and their related noble stunts and policies.⁶²⁵

It was also misconceived that the aggrieved communities would repossess back their alienated land during and after independence in Kenya.⁶²⁶ The TJRC report is sceptical on government indecisiveness in combating ethnic skirmishes and endless blame games with the opposition. Moreover, opposition view point did not vindicate Moi regime either, the opposition gravely accused Moi regime of instigating the violence to authenticate his ill-conceived philosophy and ideology on plural politics. Moi had discerned that a plural political dispensation would fan inter-ethnic antipathy, rancour and ferocity and eventually generate seeds of disintegration in Kenya.⁶²⁷

The criticality of historical land question and injustices re-surfaced in the 2005 constitutional referendum. Kenyans were optimistic that a political solution through constitutional review would resolve historical land injustices. Fallout at Bomas of Kenya led to polarization of the constitutional process leading to political machination against the proposed draft constitution at the referendum. In Mt. Elgon area, the Sabaots voted against the proposed draft at the referendum of 2005 while the Bukusu voted in favour of the proposed draft.⁶²⁸ This is noted in the TJRC report which potent that the fruitless 2005 constitutional referendum wafted a wave of disenchantment and uncertainty among

⁶²⁵Truth Justice and Reconciliation Commission., *Op.cit*, p. 306

⁶²⁶ Angelique Haugerud., *Op.cit*, pp. 31-56

⁶²⁷The Truth Justice and Reconciliation Commission., *Op.cit*, p.309

⁶²⁸ *Ibid*, p. 310

Kenyan and failed to shatter the impenetrable barriers in addressing historical land inequalities in Kenya which remained a distant and imperceptible dream.⁶²⁹

The formation of Orange Democratic Movement (ODM) from the rubbles of a botched constitutional dispensation in the aftermath of the constitutional referendum was an array of hope for the many communities in Kenya, who visualized that an Orange Democratic Movement government would fix the historical land phenomenon since the dawn of time in Kenya. In an inexplicably reality in Mt. Elgon area, ethnicity became the guiding principle in their political dimensions. The Sabaots identified with Orange Democratic Movement (ODM) while the Bukusu supported Party of National Unity (PNU), their differential party affiliations were imbedded along land reforms.⁶³⁰

The TJRC report states that the contemptible wave of violence that plunged Kenya to near anarchy in 2007 after the controversial presidential elections were deep rooted in defective land inequalities and settlement system brooded by ineffective land policies and legal framework.⁶³¹

An informant account recapitulates that the Bukus were targeted by the Sabaot Land Defence Force during the election period. The Bukusu were intimidated before and during the voting process. They were under duress to vote specific candidates or face execution or amputation. The Sabaots assumption was that an Orange Democratic Movement (ODM) government would solve their historical land question in Mt. Elgon area.⁶³²

⁶²⁹ *Ibid*

⁶³⁰ *Ibid*

⁶³¹ *Ibid*, p. 258

⁶³² Leah Chebet., *Op.cit*

The enactment of the 2010 constitution dispensation re-ignited a paradigm shift in legal framework as regards land in Kenya. The new dispensation in article sixty-three and sixty-seven provides for the existence of community land and safeguards hitherto vulnerable communities' land against predators. It also institutes the National land commission that is vested with the obligation to structure the applicability of traditional dispute determination instruments in land related conflict. Sadly, this constitutional milestone, does not offer clarification on the historical land question in Kenya.⁶³³

Reputable judicial and parliamentary commission suppositions allude to land, at the centre of inter-ethnic skirmishes. They have projected that a resolution to historical land problems will be an antidote to the perpetual inter-ethnic conflicts in Kenya. Yet, a political solution to the historical land question in Mt. Elgon area and Kenya has been implausible and impracticable by insincerity of the politicians to implement its recommendations.⁶³⁴

An informant account confirmed that politicians and elites like the Loibons have always used the election climate to fuel the Bukusu-Sabaot inter-ethnic land conflict in Mt. Elgon area. This connects with this study theory of instrumentalism which espoused elite manipulation of the aspects of ethnicity to achieve certain gains. The informant reiterated that politicians fuel the conflict in order to control unoccupied land Chebyuk Phase III.⁶³⁵

The politicisation of the land conflicts in Mt. Elgon area by elites brings into application this study theory of instrumentalism. Elites influenced the aspects of ethnicity to cause

⁶³³ The constitution of Kenya 2010, (Nairobi; Government printer; 2010); p. 48

⁶³⁴ Muoka, K. B: *Inter-ethnic conflict Affecting Reconciliation in Nakuru County, Kenya, between 1992 and 2013*, (Kakamega: Masinde Muliro University of science and Technology, Peace and conflict Studies, p. 133)

⁶³⁵ Simon Ngeywa., *Op.cit*

Bukusu-Sabaot inter-ethnic conflicts for certain vested interests which included acquiring large tracts of land in Mt. Elgon area.

4.7 The Infiltration of Small Arms and Light Weapons

Political volatility and the Lord's Resistance Army (LRA) militia presence in eastern Uganda have given latitude to cross border transit of illicit firearms through black market. The proximity of Mt. Elgon area to eastern Uganda is a blessing in disguise as illegal arms exchange hands in this region resulting in escalation of inter-ethnic conflict in Kenya and beyond. Imbuye attributed this proliferation to the many years of war and instability in Uganda, particularly the northerly section Uganda pitting the Lord's Resistance Army (LRA) led by Joseph Kony, an assumed relative of the Sabaot and the government of Uganda.⁶³⁶

This window of prospect enriched the propagation of Small Arms and Light Weapons in Mt. Elgon area expressly at the advent of plural democracy in Kenya. The Sabaot in particular have been the key beneficiaries of this appalling cycle. Simiyu adds that; the history of militarization of the Sabaot has been incubated by the intensification of Small Arms and Light Weapons (SALW) along the Kenya-Uganda border.⁶³⁷

Available indication points out that the border points of Suam in Kwanza district and Bungoma West district has been the avenue for sneaking into Mt. Elgon area illegal weapons. It is also speculated that the Sabaot were given guns by their Sebei cousins.

⁶³⁶ Imbuye, G., *Op.cit*, p. 125

⁶³⁷ Simiyu, R.R., *Op.cit*, p. 53

According to an informant account, guns were first used by the Sabaot during the 1991/1992 Bukusu-Sabaot inter-ethnic conflicts. The UNDP/OCHA report added that; the use of Mt. Elgon as a corridor of small arms to Rift Valley spans decades. The use of illicit arms in the Mt. Elgon conflict can similarly be traced to the 1990's clashes. Potential illicit arms entry points include the border point of Lwakhakha (a popular smuggling point to black market) and the Suam border point in Kwanza district.⁶³⁸ The UNDP/OCHA also hinted on the possibility of illicit firearms from Pokot finding their way into Mt. Elgon area.⁶³⁹

Informant versions recap that:

During the Bukusu-Sabaot inter-ethnic conflicts in 1963 and 1968, stones, *rungus* (clubs) and arrows were the dependable weapons in Chesikaki, Chebonde, Rwanda, Kikai and Kakilongo regions. During the Bukusu-Sabaot inter-ethnic conflicts in Mt. Elgon area in 1975, Chelebei was the hardest hit region. The Sabaots were armed with mostly arrows; Phillipo Shadrack was killed by an arrow shot. Permanent houses became hideouts for the Bukususes, others who were not so lucky but survived arrow shots include Joshua Wepukhulu, John Simiyu and Wanyonyi Walubengo.⁶⁴⁰

In 1990's an outlawed group, 'February Eighteen Movement' emerged under the stewardship of brigadier Odongo and Patrick Wangamati. The movement purportedly was training in eastern Uganda presumably to take over the Kenyan government. A military wing, February Eighteen Movement Army had been annexed to the movement. Supposedly, the Kenyan government countered the impending revolution by recruiting and arming youths in Mt. Elgon area in readiness to combat FERA subversion.⁶⁴¹ The

⁶³⁸ UNDP/OCHA., *Op.cit*, pp. 22-36

⁶³⁹ *Ibid*, p. 36

⁶⁴⁰ Benjamin Kirwa., *Op.cit*

⁶⁴¹ *Ibid*

UNDP/OCHA report observes that; the arms that were given to youths in Mt. Elgon area to protect Kenya from Brigadier Odongo never left the mountain.⁶⁴²

Reports emerged of state machinations in the 1992 conflicts, it was alleged that the state was importing metal arrows and arming Kalenjin warriors to create a traditional warfare based on age old enmities concerning the Kalenjin and their non-Kalenjin neighbours. Informant account by extension confirms such insinuations in Mt. Elgon area. Sabaot molested the Bukusu in Mt. Elgon area with guns, in some extreme cases, some Bukusu were shot dead making the surviving fugitives to scamper for safety.⁶⁴³

During the 2005 referendum, a leading politician in the district is reported to have been extremely annoyed that his side lost to the referendum. He is reported to have bought some 14 guns and placed them in the hands of the hired youths.⁶⁴⁴ The Sabaot Land Defence Force (SLDF) were armed with guns, even so, they did not carry them. They also dressed in police uniform. The Saferworld reports confirmed the presence of arms in the area. The report said that the military recovered one hundred assorted weapons (including bazookas, rocket propelled grenades, jumping mines and AK47 rifles) and one thousand one hundred and fifty three pieces of ammunitions.⁶⁴⁵

An Informant explained that:

The rebels were handed guns within the close range of the target. This was their guerrilla tactics to avoid police radar and facade from community suspicion. It was normal for groups in the area to wear jungle uniforms. They had access

⁶⁴² *Ibid*

⁶⁴³ Angelique Haugerud., *Op.cit*, p.73

⁶⁴⁴ UNDP/OCHA., *Op.cit*

⁶⁴⁵ *Saferworld, Western province (Mt. Elgon scooping: 2007); pp. 3-20*

to ammunition, although the AK47 and other guns are easily accessible from volatile nations such as Somalia...⁶⁴⁶

The proliferation of the Small Arms and Light Weapons (SALW) in Mt. Elgon area since 1990's has enabled the Sabaot to illegally acquire Small Arms and Light Weapons and use them against the Bukusu on grounds that the Bukusu encroached on their land during colonial and pre-colonial period. The illicit firearms were also central in the strengthening the operation of the Sabaot Land Defence Force during the Sabaot intra-ethnic conflict 2006/8 in Mt. Elgon area.

Kareith & Lucheli (2017) affirmed that, the government initially treated the Sabaot Land Defence Force (SLDF) as petty felons, but later changed to treating them as organized group. An Amnesty offered KSH 2650 (USD 2.65) to fighters to surrender their weapons, but no weapon was surrendered...⁶⁴⁷

The disarmament exercise and establishment of Kamarang' military barrack during the military operation, *Okoa Maisha* did not in its entirety seal the loopholes and trafficking of illicit firearms Mt. Elgon area, following the eruption of yet another militia, forty two brothers in Mt. Elgon area in 2017 emerged.⁶⁴⁸

4.8 Religious and Traditional Methods of Intervention in the Conflict

The Roman Catholic Church (RCC) was instrumental in conflict intervention and mitigation. The church housed Internally Displaced Persons (IDPs) at the height of the Bukusu-Sabaot inter-ethnic conflict, Wachege *et.al*, state that the Roman Catholic Church's (RCC) premises became an oasis of peace and welfare centres in accommodating

⁶⁴⁶Un-reported world -10/1 –'Kenya's Human Time bomb.' channel 4. 22 April 2008

⁶⁴⁷Amos Kareithi & Isaiah Lucheli (10th April 2017). "SLDF militia a force to reckon with" – *the Standard*.

⁶⁴⁸*The Standard* 28th February, 2018; *Daily Nation* 8th April, 2018; *Daily Nation* 3rd May, 2018

an overwhelming number of the Bukusu-Sabaot inter-ethnic escapees virtually reducing it to a refugee camp.⁶⁴⁹

The Roman Catholic Church was overstretched in handling big numbers of Internally Displaced Persons, through the atrocities of the Sabaot Land Defence Force. Many of the IDPs sought refuge in the church premises and the church was faced with the enormous duty of providing them with food, shelter and medical supplies.⁶⁵⁰

Wachege & Nyongesa, (2018) added that the church had to re-organize its steps to take responsibility of encouraging the people in the region particularly in church so that they can play the role of giving hope to the displaced ones assisting them to have a homecoming.⁶⁵¹

An informant accounts confirms that the Roman Catholic Church in Cheptais provided material support and also sheltered affected families at the height of the Sabaot Land Defence Force unrest.⁶⁵² The church in Mount Elgon gave hope among affected members by reiterating ethical values that had been abused during the conflict. In addition, the church received SLDF converts who confessed their evil deeds and convinced the community to bear with their past.⁶⁵³ The RCC in Mount Elgon region was heavily affected by SLDF conflict in that there was immense increase of helpless orphans...the church had to involve herself profoundly to console and embrace young children. It had to

⁶⁴⁹ Wachege P.N. and Kubet, L.N: *Impact of Sabaot Land Defence Force conflict (2006-2008) on the Roman Catholic Church in Cheptais Region, Bungoma County*, (IOSR Journal of Humanities and Social sciences: University of Nairobi; 2018); p. 66

⁶⁵⁰ *Ibid*

⁶⁵¹ Wachege P.N. and Kubet, L.N., *Op.cit*, p. 66

⁶⁵² James Kimutai., *Op.cit*

⁶⁵³ *Ibid*, pp. 66-67

provide necessary support to them for instance food, clothing and shelter from her meagre resources.⁶⁵⁴

An informant account stated that the Roman Catholic Church at Kibuk provided shelter, food, and medical supplies as well as being the centre of conflict mitigation.⁶⁵⁵ The RCC as an institution took a commendable responsibility to make necessary effort and calling for peace throughout the universe. In Mt. Elgon particularly; the RCC in Cheptais, the Roman Catholic Church preached peace and promoted unity upon the family to embrace reconciliation and healing.⁶⁵⁶ The Church as well engaged the youths in activities and programmes that were geared towards creating awareness on conflict mitigation and sensitizing them against being used to cause conflicts in the area.⁶⁵⁷

The entrenchment of Traditional African Religion and Christianity in Mt. Elgon area also influenced the course of the Bukusu-Sabaots inter-ethnic conflicts in Mt. Elgon area.⁶⁵⁸ This was reiterated by a key informant who narrated an incidence in which Bukusu and Sabaots in Sirisia and Chelebei participated in eating of a dog, an occurrence that promoted lasting peace in the area.⁶⁵⁹

The UNDP/OCHA reports that;

The Loibons have specific ‘spiritual’ territory upon which exert their influence. They have a following and the communities in Mt. Elgon seem to reverse them. Some Loibons were among the privileged few who acquired huge tracts of land in the settlement scheme...dispossessing

⁶⁵⁴ *Ibid*, p. 68

⁶⁵⁵ Electina Nasimiyu., *Op.cit*

⁶⁵⁶ *Ibid*, p.70

⁶⁵⁷ UNDP/OCHA., *Op.cit*, p. 31

⁶⁵⁸ *Ibid*

⁶⁵⁹ Patrick Kiprop., *Op.cit*

Loibons of their tracts of land in Chebyuk Phase III process of their tracts of land in Chebyuk Phase III process was a major accelerant of the conflict.⁶⁶⁰

The Loibons enjoyed overstretched latitude of authority, which the church was inevitably inept to liquidate to endurable proportions in the middle of the conflicts in Mt. Elgon area. As much, church influence was decimated in favour of the traditional Loibon hegemony among the Sabaots.⁶⁶¹ The influence of the Loibons brings in the applicability of this study theory of instrumentalism, where the elites manipulate ethnicity for their own gain. An informant account stated that the Loibons were instrumental in the Bukusu-Sabaot conflicts as they were consulted and presided over the oathing of warriors before engaging in the conflict.⁶⁶² The UNDP/OCHA report underpins that; the need to adopt traditional approaches to reconciliation among peace structures is also vital. For initiative, respondents talked of the importance of traditional ceremonies in peace building.⁶⁶³

This study affirms the place and relevance of religious leaders in altering the course of the conflict in Mt. Elgon area. The centrality of faith based organisation in mitigating the conflict were impeccable and to a measurable limit fruitful, which basically emanated from problem solving sessions. Renowned church leaders in cohort with the provincial administration explored the dialogue avenues and compromising proposition was adopted.

4.9 Effects of the Bukusu-Sabaot Inter-ethnic land Conflicts

Mt. Elgon conflicts displaced scores of people since independence. The informants' explanations come to an agreement that the Bukusu have been the most affected in this

⁶⁶⁰ UNDP/OCHA., *Op. cit*, p. 31

⁶⁶¹ *Ibid*

⁶⁶² James Kimutai., *Op.cit*

⁶⁶³ UNDP/OCHA., *Op.cit*

development. Since 1992, most of the Bukusu in Mt. Elgon area have disposed of their land at a throw away price as the conflicts certainly recur in the area.⁶⁶⁴

The Kenya Red Cross reveals that the conflict displaced about one hundred and sixteen thousand two hundred and twenty people (almost the entire district population). The spill-over effects of the conflict were felt in Bungoma District and in Kwana, in the west of Trans-Nzoia District.⁶⁶⁵

Mt. Elgon conflicts have also caused physical bodily harm and loss of life. Informant accounts specified that 1963 was not bloody. Though, in 1968 at least one person was killed in the Chesokwa conflict, this was replicated in 1975 at Chelebei epicentre, where one person was killed. At least twenty six people were killed in the 1992 conflicts.⁶⁶⁶

Namulunda further makes clear that;

In the post-independence era, Bukusu communities bordering Sabaot and Kalenjins have engaged in land conflicts, especially during the 1990s pre-election ethnic clashes. The clashes that swept across the land arose among otherwise tolerant ethnic groups. Besides, the loss of lives, which is significant in itself, it disrupted social life and development projects and also heightened ethnic intolerance.⁶⁶⁷

Numerically, the actual number of deaths as the height of the 2006-2008 conflict in Mt. Elgon is yet to be established. However, based on Human Rights Watch; approximately six hundred people were killed by SLDF. There were others who were maimed, had their ears

⁶⁶⁴ *Daily Monitor*, 17 March 2008

⁶⁶⁵ *Kenya Red Cross Society, Mount Elgon Clashes Status report*, 4th April, 2007

⁶⁶⁶ Namulunda Florence: *The Bukusu of Kenya* (North Carolina: Carolina Academic press; 2011); p. 119

⁶⁶⁷ *Ibid*

chopped off or tortured as a way of punishing them. As a result, documented records of widows and orphans surged upwards in the area.⁶⁶⁸

The Bukusu-Sabaot conflict has triggered obliteration of shelter. Informant observes that the most affected were the Bukusu. They were mostly evicted, and their houses torched. For those who fled, their shelters were vandalized and looted.⁶⁶⁹ Sibomana argues that; every war drags in its wake share of unscrupulous opportunity and greedy vultures...⁶⁷⁰

Based on International Rescue Committee (IRC) report, shelters were wrecked or set ablaze by the Sabaot Land Defence Force (SLDF). Due to financial constraints by those who lost shelter they were incapacitated to restructure them even with their alacrity to return to their households.⁶⁷¹

The conflict in Mt. Elgon area interrupted livelihoods especially the agronomic industry. Informants agree that Cheptais market was bustling in early 1990's. It was also one of the principal open-air markets in Kenya, systematized with more volumes of agricultural produce than Chwele. But endemic conflicts have turned Cheptais market into a pale shell of its former glory.⁶⁷² The International Rescue Committee notes that; ...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.

⁶⁶⁸ *Human rights watch, All Men Have Gone War Crimes in Kenya's Mt. Elgon conflict 2008*

⁶⁶⁹ Kennedy Ndiema, *Op. cit*

⁶⁷⁰ Sibomana, R.: *Hope for Rwanda* (Dar es Salaam: Pluto Press; 1999); p. 103

⁶⁷¹ International Rescue Committee: Kenya Humanitarian Assessment Mount Elgon District 2008

⁶⁷² *Simon Ngeywa., Op.cit*

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 heads of cattle to the SLDF.⁶⁷³

Rape and sexual abuse have been prevalent in the Bukusu-Sabaot inter-ethnic land conflicts. Women and girls have been vulnerable to rape and sexual harassment by the police, the military and militia⁶⁷⁴. UNDP/OCHA point out that; ...there were 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 held as sex slaves by the militia. This information is corroborated by reports by other organisations that have undertaken researches in the area.⁶⁷⁵

Trauma and stress expressly during the Sabaot Land Defence reign of terror exposed victims to both physical and emotional torture. Informants agree that the Sabaot Land Defence Force committed heinous human abuse. The militia established informal law and an extra-judicial system that included amputations and maiming. Those who went through such ordeal or witnessed the execution of their kin remained traumatised and lived in fear of the Sabaot Land Defences Force.⁶⁷⁶

The Human Rights Watch specifies that;

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

⁶⁷³ *International Rescue Committee., Op.cit*

⁶⁷⁴ *Daily Nation, 6 April 2008*

⁶⁷⁵ *UNDP/OCHA., Op.cit, p. 11*

⁶⁷⁶ *Benjamin Kirwa., Op.cit*

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 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.⁶⁷⁷

The conflict in Mt. Elgon area gave rise to the collapse of governance in the area, the provincial administration initially was indicted for overseeing a corrupt exercise during the Chebyuk settlement, government officials were compromised and worked in collusion with land cartels to inflate and apportion land to undeserving beneficiaries. The UNDP/OCHA report states that; “...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 prurient and atrocious activities”.⁶⁷⁸

The rise of militia groups like Sabaot Land Defences Force, Forty-Two brothers and Moorland Defences Force has in the recent past, based on the informant accounts, upset normalcy.⁶⁷⁹

Dispensation of the basic social services like health and education were greatly hampered as schools and hospitals closed down. Sibomana notes that; “...enlisting of young soldiers, some in their school going age, cripples learning and development altogether”.⁶⁸⁰

⁶⁷⁷Human Rights Watch., *Op.cit*

⁶⁷⁸UNDP/OCHA report., *Op.cit*, p.18

⁶⁷⁹Leah Chebet., *Op.cit*

⁶⁸⁰Andres Sibomona, *Op. cit*, p. 103

The militia and chiefly the Sabaot Land Defences Force (SLDF) in Mt. Elgon area basing on informant's illumination conscripted school going children leading to disruption of learning and forcible dislocation of the populace. Josphat Makori published that; the SLDF was funded by unauthorized 'taxation' of the locals, and implemented a parallel administration order.⁶⁸¹

The Military deployment in March 2008 even so stopped the conflict but claims of gross violence of fundamental human rights have been widely documented. This has fanned the narrative of a state persecuting a community exacerbating further deep resented sentiments of marginalization and historical injustice.⁶⁸²

Simiyu further states that;

...in its determination to rout out the militia, the army applied brutal interrogation tactics, which included torture, mass detentions, forced confessions and extrajudicial killings, exacerbating the misery and precarious position of the local residents. The military, the police high command and the provincial administration have all dismissed these allegations and challenged complainants to present evidence to the police for investigation.⁶⁸³

An informant account stated that the military operation was carried out in an inhumane and haphazard way. Many innocent people suffered in the hands of the military personnel, some were mistaken to be SLDF while others were victims of rape.⁶⁸⁴

⁶⁸¹ Josphat Makori (11th February 2008). 'Kenyan militia strike back'. *BBC News*. Retrieved 2019-2-28

⁶⁸² *East African Standard*, 6 April 2008; *Human Rights Watch* (2008:4); *East African Standard*, 17 May 2008; *KNCHR* 2008:11; *IMLU* 2008:8

⁶⁸³ Simiyu, R.R., *Op.cit*, p. iv

⁶⁸⁴ Jennifer Chebet., *Op.cit*

4.10 Conclusion

This Chapter has established how aspects of ethnicity, government policies, gender dimension, infiltration of small arms and light weapons interact with the land question in the countenance of the Bukusu-Sabaot inter-ethnic land conflict in Mt. Elgon area.

The study reconnoitred ethnic variability in the development of the land question and manifestation of the Bukusu-Sabaot inter-ethnic conflict in Mt. Elgon area in the post-colonial era. Ethnicity becomes the aspect of mobilization in protesting for the marginalization and emancipation in regard to the land question. The Sabaot claim the Mt. Elgon area is their ethno-territorial land. Sabaot opted for ferocious conflicts especially when the post-independence government failed to resettle them but instead resettled the Bukusu in their place. Ethnic intolerance also pops up, as the Sabaot label the Bukusu as proud *lamek* (aliens) and abusive, while the Bukusu refer the Sabaot as dirt.

The study argues that, post-colonial government land policies were oblivious to the plight of Kenyan squatters whose familial land was forcibly dispossessed during the colonial despotic regime. The adoption of the African Socialism discouraged community interests and agitation for addressing historical injustices particularly on land issues. African Socialism emphasized private enterprise and government patronage in socio-economic policy formulation, regulation and execution. This was followed by political upheavals that included muzzling and intimidating radicals in the ruling coalition. Thus, the post-independence governments implicitly fashioned inter-ethnic conflicts as an avenue for the disfranchised communities in Kenya to express their disapproval especially the vehement inter-ethnic conflicts that hit parts of Kenya in 1963 including Mt. Elgon area.

The study asserts that the initiative by the Kenyan government to settle the Sabaot in Chebyuk to integrate in the mainstream life became an opportunity by politicians, brokers and land grabbers to impinge on the scheme through duplicitous means. The government's delay to survey and allocate land made the process susceptible to manipulations. Land survey and allotment among the Sabaot was highly controversial affecting Bukusu who had encroached on Chebyuk settlement scheme. This state of affairs is mostly attributable for the 1991/2 inter-ethnic conflicts in Mt. Elgon area. The dispossessed Sabaot were forced to recover the land they had sold to the Bukusu when they moved to Chebyuk scheme. The creation of Chebyuk Phase II was yet another time-bomb. This is because it was marred by corruption, bribery and land grabbing reappeared in the appropriation exercise in cohort with the authorities. The government committed yet another seditious verdict by annulling Chebyuk Phase I and II and going ahead to create Chebyuk Phase III. Political infiltration in the exercise led to the formation of the Sabaot Land Defence Force, an armed militia that drew membership mostly from the Sabaot.

The study affirmed that Sabaot Land Defences Force sought to expel the Bukusu from Mt. Elgon area because they perceived them as competitors to access to land in Mt. Elgon area but this plan was nabbed in a bud through the military intervention in 2006.

The study maintains that reintroduction of multi-party democracy was tainted with controversy. Opposition blamed the KANU government for orchestrating inter-ethnic land conflicts, with the aim of forcibly displacing opponents and depriving them their civic rights to vote. This reverberated in Mt. Elgon area where it was alleged the government armed the Sabaot to displace the Bukusu in the area.

The study emphasized that infiltration of Small Arms and Light Weapons escalated the Bukusu-Sabaot inter-ethnic land conflicts in Mt. Elgon area. The porous border point of Lwakhakha and Suam as well as the political upheaval in South Sudan, eastern Uganda and Somalia enabled infiltration of illegal firearms in the area. Fire arms are also believed to have been placed in the hands of the youths to protect Kenya from FERA Movement. As such, the guns did not leave the mountain ever since the alleged incident. The military disarmament exercise recovered about one hundred firearms in the hands of civilians. Arms have been procured over time seemingly to defend land either as a militia or individuals.

The study stresses that gender is vital aspect in the Bukusu-Sabaot inter-ethnic land conflict, as boys are socialised to defend their community at puberty both among the Bukusu and Sabaot. Patriarchy is prevalent among the Bukusu and Sabaot and only men inherit land and defend it from external factors. Women on their part, through cultural transmission hand down the issues of land injustices to their generation, they also urge warriors, boyfriends and husbands to fight for land.

The next chapter discusses the summary of the findings, conclusion drawn and the researcher's recommendations for the possible solution to the perennial land conflicts in Mt. Elgon area.

CHAPTER FIVE

SUMMARY OF FINDINGS, CONCLUSION AND RECOMMENDATIONS

5.1 Introduction

This Chapter bears this study's findings, conclusion and recommendation. In this respect, it underscores the fact that the land problem in Mt. Elgon area is a pre-colonial problem, perpetuated in both the colonial and post-colonial governments.

5.2 Summary of the Findings

The primary purpose of this study was to analyse the history of the land question in the Bukusu-Sabaot inter-ethnic conflict since 1850. The findings are illustrated basing on the research objectives as follows.

5.2.1 Assessment of the land question in the Bukusu-Sabaot inter-ethnic relations during the pre-colonial period

The present study found that conflict between the Bukusu and Sabaot is inherent in the pseudo names given to each other. For instance, the Sabaot call the Bukusu *Ketosh* while the Bukusu call them *Omurwa*, where both names denote their rich history of militarism and conflict between them.

The study by extension holds that the agriculturalists, Bukusu, were pushed away from Mt. Elgon area by pastoralist, Sabaot, as espoused by Betwell Ogot's Occupational Theory. This agrees with the informant accounts which reiterate that Mt. Elgon area is the original ethno-territory of the Bukusu.

The study also finds that the Bukusu influenced the Sabaot to live settled life and observe burial rites, which contributed to the land questions in Mt. Elgon area. The art of

homestead fencing among the Bukusu spread to the Sabaot, the ideology behind this culture outlines the community's military interaction. Fenced homestead served as a security tactic among the Bukusu, this stratagem was later adopted by the Sabaot.

The study embraces that the Bukusu learnt the art of circumcision from the Sabaot. Circumcision of male members of the society among the Bukusu and Sabaot contributed to the land question in Mt. Elgon area. An initiate claimed inheritance of land on which he was initiated on. This cultural standpoint contributed to the land question in Mt. Elgon area. As such, initiates defended land as a cultural heritage. The study finds that the Bukusu and Sabaot exchanged circumcisers as a way of cementing their peaceful co-existence between the two communities. The initiatory rites among the Bukusu and Sabaot also prepared the boys into the warrior-ship, which greatly contributed to the general warfare among the two communities.

The study also found that the Sabaot influenced Bukusu political organisations. Enhanced political organization contributed to the land question in Mt. Elgon area as this occasioned organized attacks and counter-attacks between the Bukusu and Sabaot.

The study while acknowledging that the Bukusu spread the idea of iron working to the Sabaot, the idea escalated the Bukusu-Sabaot inter-ethnic conflicts as it ensured a smooth inflow of homemade weaponry.

This study further argues that, while the Bukusu and Sabaot heavily borrowed words from each other, some words have been misused to construct ethnic identities between the Bukusu and Sabaot. The Sabaot refer to the Bukusu as *lamek* meaning aliens. This implies that the Bukusu impinged on the Sabaot familial land.

The study also found that during peace time, the Bukusu moved and occupied the unoccupied lands of Mt. Elgon area; owing to the fact that the Sabaot were initially pastoralist. Sabaot also willingly gave the Bukusu land in areas infested with warthogs (*Chimbichi*).

5.2.2 Examination of the land question in the Bukusu-Sabaot relations during the colonial period

The naming of Mount Elgon by Joseph Thomson in 1890 after a Sabaot intra-ethnic group (Kony), significantly contributed to the land question in Mt. Elgon area. This gives the Sabaot confidence to claim that Mt. Elgon area is their ethno-territory. Also, the signing of the treaty between Fredrick Jackson and *Kirwangindeet* Kimingichi of the Bok in Mt. Elgon area has been pointed out by the Sabaot as initial colonial administration admission of Mt. Elgon area as a Sabaot ethno-territory.

The ruthless rule of Chief Murunga in Mt Elgon area (*North Ketosh*) during the colonial period, made the Sabaot to flee from Mt. Elgon area to Trans-Nzoia giving the Bukusu opportunity to move in and occupy the land in Mt. Elgon area. Moreover, colonial chiefs Suleiman Murunga, Jeremiah Kukubo and Jonathan Barasa aided the Bukusu to acquire unoccupied land in Mt. Elgon area. The colonial land policies uprooted the Sabaot from their land in colonial Trans-Nzoia which initially extended to Mt. Elgon area by 1913. The colonial Trans-Nzoia included from the source of River Kamukuywa in Mt. Elgon to through River Kibisi and River Nzoia junction to the borderline of River Kipkaren near Marabusi hills. Chief Murunga in particular, helped the Bukusu Quakers under the stewardship of Benjamin Musundi to expand and acquire land in Mt. Elgon area.

Internal feuds among the Sabaot forced Koros, an influential man among the Sabaot to move away from Mt. Elgon area to Trans-Nzoia giving the Bukusu latitude to move in and occupy the vacant lands left by Koros and his followers.

The Sabaot claim that no reserve was created for them in 1904 when African reserves were created on the basis of ethnicity and were basically misconstrued to be Maasai. They were moved to Sebei in Uganda and others condemned to Maasai reserve in Narok in 1931. Even though, the Carter Commission recommended that the Sabaot should be compensated for the land lost in the colonial Trans-Nzoia both the colonial and post-colonial government never honoured the resolution. Subsequently, the Sabaot were excluded from the benefits of Native Land Ordinance of 1938 which advocated for settlement of evicted native Africans. The Sabaot also decried that the Sweynnerton plan of 1954 did not consider African customary land tenure system that could have demonstrated that Mt. Elgon area is their ethno-territory.

The formation of West Kalenjin Congress and Sabaot Union in the great days of decolonization in Kenya thrust the topic of relocation of Mt. Elgon area to Rift Valley province into debate. The associations were strongly opposed to the making of Kitale as the headquarters of the defunct Western Province in Kenya. This was informed by the fact that the Sabaot consider Trans-Nzoia their ethno-territory even if the Bukusu contest this as fallacies.

The Sabaot supported Kenya African National Union, (KANU) in 1963 expecting that a KANU government would address historical land injustices in Kenya. The Bukusu on their part supported Kenya African Democratic Union (KADU) considering that they hoped for a local solution to land problems in Mt. Elgon area through a federal government.

The Lancaster House conferences and independence government's failure to address land injustices in Mt. Elgon area led to violent explosion of the Bukusu-Sabaot inter-ethnic conflicts in Mt. Elgon area in 1963, 1968, 1975, 1992 and 2006.

5.2.3 The analysis of the land question in the post-independence Bukusu-Sabaot inter-ethnic conflict

This study found that the ideological differences between the moderates and radicals in both KANU and KADU formations at the independence led to the inconclusive solution on land question in Kenya and by extension Mt. Elgon area. The land conflict in Mt. Elgon area between the Bukusu and Sabaot is twofold; firstly, the Mt. Elgon area as an ethno-territorial contest between the Bukusu and Sabaot, and secondly the disputed government resettlement programme of Sabaot intra-ethnic groups at Chebyuk.

The unorthodox handling of Chebyuk settlement schemes by government agencies and other stakeholders has led to impingement of the Bukusu in the scheme. The botched resettlement of the scheme in question has also had far reaching consequences on the Bukusu. The disgruntled landless Sabaot who missed out in the dish out exercise took arms ostensibly to evict Bukusu in Mt. Elgon area.

Ethnicity is a factor of mobilization in the Bukusu-Sabaot inter-ethnic land conflict; the Bukusu and Sabaot view each other as rival groups in the acquisition of land in Mt. Elgon area. Their competing interests provoke an inter-ethnic land conflict with each ethnic group seeking to dispossess the other group land.

The post-independence governments have been unable to decisively resettle the Sabaot intra-ethnic groups in Mount Elgon area. This has contributed to a large extent, to the

Bukusu-Sabaot inter-ethnic land conflicts. The delayed process of allotments and issuance of title deeds have provided the Bukusu a leeway to access land in the schemes through unconventional means. Disgruntled Sabaot have also been forced to push the Bukusu away from Mt. Elgon area in order to take up their dispossessed land.

The government has also been accused of orchestrating Bukusu-Sabaot inter-ethnic conflicts for political ends, especially the 1992 elections. The government is faulted of causing inter-ethnic conflicts in opposition strongholds to retain power during the hotly contested first Multi-party elections in Kenya.

Gender dimensions have greatly affected the Bukusu-Sabaot inter-ethnic conflict in Mount Elgon area. Women urge men to fight on and protect their land. Women also publicly shame men who are considered indecisive and cowards. Considering both communities are patriarchal men own land and defend it at all cost.

It has also been brought out in this study that, political elites manipulate the land problem in Mt. Elgon area for their own political capita. Such cases are common around the electioneering period. A consistent pattern indicates that Bukusu-Sabaot inter-ethnic conflicts recur around the election season, for example 1963, 1968, 1975, 1992 and 2006. The Bukusu and Sabaot have also been harbouring diametrically opposing political ideologies and have belonged to different party formations since independence.

Small Arms and Light Weapons (SALWs) finds their way in Mt. Elgon area through the porous border points. The government has as well been found to have contributed to the proliferation of fire arms in the area, especially when it armed police reservists in 1990's to counter the February Eighteen Movement, without a disarmament strategy. The

government is also accused of arming the Sabaot in 1990's to protect themselves against the Bukusu, who were aligned to the opposition (politically); in the general elections to forcibly expel them around elections times at the behest of the government for political gains.

5.2.4 The usefulness of the instrumentalist and constructivist theories

The Bukusu-Sabaot inter-ethnic land conflict in Mt. Elgon area is an age-old conflict that dates back in the pre-colonial period. The conflict phenomenon has since been propagated in the colonial and post-colonial governments. Besides, ethnicity, political machination, cultural aspects, gender dimensions, proliferation of Small Arms and Light Weapons (SALWs) have nurtured the Bukusu-Sabaot land conflict to unimaginable scale in Mt. Elgon area.

Instrumentalism and Constructivist theories of ethnic conflicts were therefore appropriate in explaining the conflict dimensions between the Bukusu and Sabaot. The later was useful in explaining the structural conflicts created by colonialist in Mt. Elgon area through the structuring and restructuring of colonial boundaries while the former was handy in situating how the Bukusu and Sabaot have weaponised as a tool of conflict in the pre-colonial and post-colonial periods.

5.3 Conclusion

Traditional African conflict resolution mechanisms somewhat have worked among the sabaot and Bukusu communities. Reference is made to the events at Chelebei, where the Bukusu and Sabaot performed a ritual '*Khulia silulu*' (eating a puppy) to signify their reconciliation and peaceful co-existence, from the finding this cultural aspect has worked around Chelebei for a long time since 1975.

Religious groups like the Catholic Church provided material support for the victims of the conflicts as well as initiated activities and programmes that were geared towards mitigating the conflict.

The unresolved Bukusu-Sabaot inter-ethnic land conflict in Mt. Elgon area has led to forcible dislocation of populations, rape, and loss of lives, trauma, and stress and has broken families in the Mt. Elgon area. It has also led to lawlessness and the rise of militia groups like the Forty-Two Brothers and Sabaot land Defence Force (SLDF) which had committed despicable atrocities.

5.4 Recommendations of the Study

The study recommends that while cultural diversity should be celebrated, cultural tolerance and inclusion should be emphasized. The cultural variances among the Bukusu and Sabaots have driven out the two communities to the brink and cultural relativism is necessary.

This study recommends that epicentres in Mt. Elgon area (such as Kikai, Chesikaki, Kapkurongo, Kakilongo, Kaptama, Rwanda, Maseek, Chelebei, Changeywa, Kipsabula and Kutere) that have experienced sporadic Bukusu-Sabaot land conflicts should be mapped out. Epicentre influences the trajectory and projections for the conflicts in the region. Future innovative conflict management methodologies should be rigorous around these areas.

The Bukusu-Sabaot inter-ethnic land conflict in Mt. Elgon area have been influenced by actors harbouring vested interests, who subtly exert pressure in the manifestation of the inter-ethnic land conflicts. The actors include politicians, gang leaders and Loibons (warriors). It is judicious that they are part and parcel of the reconciliation efforts. Their

interests if tailored for, it is very improbable that related conflicts may reoccur. Traditional leaders like the prophets are critical in conflicts, they are consulted and bless warriors before conflicts, and so their direct inclusion in conflict resolution is important to finding bearable stability.

This study notes the efficacy of traditional conflict resolutions in Mt. Elgon area, such as Chelebei area has enjoyed relative peace for decades, where the two warring communities entered into a covenant that has bound the two communities from fighting.

In light of modernism and multi-sectorial religious stand points, traditional conflict resolution may be devalued, but it is somewhat workable. As a result, this study suggests that such traditional mechanism should be adopted in mitigating future conflicts.

This study takes into consideration the centrality and sentimental attachment associated with land as an economic and cultural resource by both the Bukusu and Sabaot in Mt. Elgon area. Easing pressure on land through diversified sources of livelihood will be profound in demystifying access and acquisition of land as a matter of life and death.

The government has been indicted for contempt of court; the complaints exhausted all legal avenues regarding land resettlement, appropriation and eviction before the formation of the Sabaot Land Defences Force (SLDF). In spite of a court ruling in their favour, government agencies went on with the eviction exercise which was arguably retrogressive and epitomised gross violation of basic human rights. Government court contempt is an act of impunity and provokes anarchy, and so, it is sensible that the government respect the rule of law.

The electoral cycle in Mt. Elgon area has been predisposed with intra- and inter-ethnic conflicts. The rhythmic pattern of land-related skirmishes habitually corresponding with general elections and other decisive moments in Kenya's body politics, point toward a foreign predisposed conflict ideology that is beyond inter-ethnic land conflicts in the area.

Political actors who perpetrate ethnic bigotry during electioneering period should be investigated and apprehended. This will be a leap into de-ethicising politics and stanching out prejudice inclined on land resource conflicts.

This study acknowledges the criticality of gender fabric in the cultural and production forces regarding land among the Bukusu and Sabaot, it is against this backdrop that the study recommends that gender based cultural pressure on appropriation of land should be abandoned. Men and Women alike should be revolutionised on their crucial role in peace initiatives.

The phenomenon of Small Arms and Light Weapons proliferation into Mt. Elgon area should be checked and loopholes that enables the weapons infiltration into civilian hands sealed. Such government policies like recruitment of police reservists should be done in a manner that provides for accountability, professionalism and effective monitoring and management process by the relevant authorities.

This study contends that, the military intervention in Mt. Elgon crisis was a temporal solution just as it was a blessing in disguise. Military personnel presided over a callous exercise that stained the picture of an otherwise disciplined forces. The military has been reproached of committing atrocious crimes including rape, torture and extra-judicial killings of innocent non-combatants in Mt. Elgon area.

From the preceding, this study recommends that the heinous atrocities committed by the military personnel should be investigated and the victims compensated while the culprits should be brought to book. This study holds that the government should implement the TJRC report regarding the historical land injustices in Kenya and by and large Mt. Elgon area.

5.5 Suggestions for Further Research

Even though this study tried to cover as much as it could in line with the research title; there are other key areas that it could not explore. Yet, they are fundamental to the harmonious existence and general development in Mt. Elgon area. For this reason, the researcher therefore identifies the following areas for further research.

This research identified environmental degradation at the centre of inter-ethnic land conflicts in Mt. Elgon area given the contested land is primarily a forest land. A study on environmental degradation is necessary to ascertain the impact of human activities on forest land.

This research also identified central role-played Mt. Elgon area to food security in the region and beyond. A historical study on impact assessment of food security would be essential especially in boasting food production in Mt. Elgon area and beyond.

Lastly, the present study also identified that apart from the Bukusu and Sabaot, the Teso also inhabit Mt. Elgon area. A study on Teso inter-ethnic relations with the Bukusu or Sabaot is important in giving the problem of land in Mt. Elgon area a holistic inter-ethnic perspective.

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List of respondents plus place and date of interview

S/No	Name	Sex	Age	Division	Ethnicity	Interview Date	Occupation
1.	Agnes Masai	F	19	Kopsiro	Sabaot	20/2/2019	Student
2.	Abiud Simiyu	M	67	Kaptama	Bukusu	18/2/2019	Farmer
3.	Abiud Wabwoba	M	75	Kopsiro	Bukusu	20/2/2019	Bishop
4.	Alice Nekesa	F	83	Kapsokwony	Bukusu	7/3/2019	Ex. Councillor
5.	Benjamin Kirwa	M	20	Kopsiro	Sabaot	23/2/2019	Student
6.	Brenda Jepkoskei	F	90	Cheptais	Sabaot	19/2/2019	Farmer
7.	Caren Nelima	F	89	Cheptais	Bukusu	28/2/2019	Farmer
8.	Centrine Nekesa	F	25	Kapsokwony	Bukusu	14/3/2019	Trained Teacher
9.	David Kirui	M	38	Kapsokwony	Sabaot	13/3/2019	CBO leader
10.	Douglas Satia	M	86	Cheptais	Bukusu	17/2/2019	Retired craftsman
11.	Edward Wanyonyi	M	62	Kapsokwony	Bukusu	9/3/2019	Retired Army officer
12.	Electina Nasimiyu	F	56	Kaptama	Bukusu	29/2/2019	Pastor
13.	Enock Korio	M	40	Cheptais	Sabaot	1/3/2019	Businessman
14.	Eliud Wakwabubi	M	43	Kapsokwony	Bukusu	12/3/2019	Religious leader
15.	Eric Wekesa	M	47	Kapsokwony	Sabaot	10/3/2019	Activist
16.	Felix Kiprop	M	73	Kopsiro	Sabaot	30/2/2019	Retired police Officer
17.	Jacob Namunyu	M	20	Kopsiro	Bukusu	22/2/2019	CBO member
18.	James Kimutai	M	84	Kaptama	Sabaot	16/2/2019	Former Councillor
19.	Jamin Wandabwa	M	50	Kopsiro	Bukusu	21/2/2019	Trained Teacher

20.	Janifer Kipkwemoi	F	50	Kaptama	Sabaot	24/2/2019	Nurse
21.	John Musee	M	34	Cheptais	Bukusu	27/2/2019	Farmer/Businessman
22.	John Kizito	M	55	Kaptama	Bukusu	25/2/2019	Nurse
23.	John Wafula	M	34	Cheptais	Bukusu	26/2/2019	Social worker
24.	Julius Barasa	M	85	Kaptama	Bukusu	12/3/2019	Former Hunter
25.	Julius Kirui	M	50	Kapsokwony	Sabaot	10/3/2019	Farmer
26.	Julius Kimaiyo	M	60	Kapsokwony	Sabaot	10/3/2019	Religious leader
27.	Julius Wanyonyi	M	24	Kaptama	Bukusu	9/3/2019	Student
28.	Justus Misiko	M	25	Kaptama	Bukusu	9/3/2019	Student
29.	Joice Chebii	F	50	Cheptais	Sabaot	12/3/2019	Farmer
30.	Joice Kiplagat	F	80	Cheptais	Sabaot	12/3/2019	Retired teacher
31.	Kennedy Ndiema	M	70	Kopsiro	Sabaot	23/2/2019	Religious leader
32.	Kennedy Simiyu	M	80	Kopsiro	Bukusu	23/2/2019	Farmer
33.	Kennedy Wekesa	M	30	Kapsokwony	Bukusu	24/2/2019	Teacher
34.	Leah Chebet	F	32	Kapsokwony	Sabaot	24/2/2019	Nurse
35.	Leah Cheron	F	45	Kaptama	Sabaot	9/3/2019	Farmer
36.	Micah Barasa	M	73	Kaptama	Bukusu	9/3/2019	Teacher
37.	Millicent Nakhone	F	75	Cheptais	Bukusu	12/3/2019	Religious leader
38.	Millicent Ruto	F	23	Cheptais	Sabaot	11/3/2019	Student
39.	Millicent Yebei	F	50	Kapsokwony	Sabaot	7/3/2019	Politician
40.	Mary Wanyama	F	45	Kapsokwony	Bukusu	7/3/2019	Politician
41.	Mary Nasimiyu	F	27	Cheptais	Bukusu	11/3/2019	Student
42.	Merit Wekesa	M	40	Cheptais	Bukusu	11/3/2019	Teacher
43.	Michael Kipketer	M	80	Cheptais	Sabaot	11/3/2019	Farmer

44.	Nancy Nekesa	F	75	Kaptama	Bukusu	9/3/2019	Religious leader
45.	Noah Wanjala	M	56	Kopsiro	Bukusu	23/2/2019	Religious leader
46.	Patrick Kiprop	M	60	Kopsiro	Sabaot	23/2/2019	Farmer
47.	Patrick Luseno	M	63	Kopsiro	Bukusu	23/2/2019	Farmer
48.	Patrick Wekesa	M	23	Kopsiro	Bukusu	23/2/2019	Student
49.	Phillip Chemonges	M	27	Kopsiro	Sabaot	23/2/2019	Student
50.	Regina Chesebe	F	80	Kopsiro	Sabaot	23/2/2019	Farmer
51.	Regina Namalwa	F	65	Kaptama	Bukusu	9/3/2019	Politician
52.	Simon Kemboi	M	67	Kaptama	Sabaot	9/3/2019	Politician
53.	Simon Ngeywa	M	70	Kaptama	Sabaot	9/3/2019	Religious leader
54.	Slyvia Chepkemboi	F	65	Kaptama	Sabaot	9/3/2019	Politician
55.	Slyvia Nanjala	F	66	Kaptama	Bukusu	9/3/2019	Farmer
56.	Solomon Kiptoo	M	73	Kapsokwony	Sabaot	9/3/2019	Farmer
57.	Susy Khisa	F	34	Kopsiro	Bukusu	23/2/2019	CBO leader
58.	Sumuta Simiyu	M	66	Kapsokwony	Bukusu	23/2/2019	Farmer
59.	Timothy Chemonges	M	45	Kapsokwony	Sabaot	23/2/2019	Businessman
60.	Timothy Kinangoi	M	43	Kapsokwony	Sabaot	23/2/2019	Politician
61.	Titus Kipchumba	M	56	Cheptais	Sabaot	1/3/2019	Religious leader
62.	Titus Kisiero	M	80	Cheptais	Sabaot	1/3/2019	Farmer
63.	Tobias Kibet	M	55	Cheptais	Sabaot	1/3/2019	Social worker
64.	Wesley Kiplimo	M	46	Kopsiro	Sabaot	23/2/2019	Politician

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APPENDICES

Appendix 1: Glossary of Bukusu Terminologies

<i>Babayi</i>	: Livestock keepers
<i>Babukusu</i>	: <i>Bukusu</i> tribe
<i>Banabayi</i>	: People from <i>Embayi</i>
<i>Bamaasaba</i>	: Ancestor of <i>Mukisu</i> and <i>Mubukusu</i> the ancestor of the <i>Bukusu</i>
<i>Barwa</i>	: Kalenjin/Maasai
<i>Bebukusi</i>	: Merchants
<i>Busuma</i>	: Ugali
<i>Ching'oling'o</i>	: Clotted blood
<i>Ebisakala</i>	: Misri/area between northern Sudan and the shores of the present Egypt
<i>Ebwayi</i>	: Area around Amukura in Kenya
<i>Embayi</i>	: Area around Mbale and Tororo in Uganda
<i>Engwe</i>	: Leopard
<i>Enyanja ya Nabibia</i>	: Lake Turkana
<i>Enyanja ya Walule</i>	: Lake Victoria
<i>Esirende</i>	: The Savannah of South Sudan
<i>Kamachabe</i>	: Iron Armband
<i>Kamalasile</i>	: Fresh blood
<i>Kamatore</i>	: Bananas
<i>Kitosh</i>	: Formerly Bukusu people
<i>Lelekwe</i>	: Webuye formerly Broderick falls
<i>Lirango lienjofu</i>	: Thigh of the elephant
<i>Lubukusu</i>	: Bukusu Language
<i>Lukulu Iwa Masaba</i>	: Mt. Elgon

<i>Lurimba</i>	: a makeshift trap
<i>Misri</i>	:Area between northern South Sudan and the southern reaches of modern Egypt.
<i>Matili</i>	: Small huts, area around Webuye
<i>Mubukusu</i>	: The founding ancestor of the Bukusu
<i>Mwalie</i>	: An area around Malakisi in the present day Bungoma County
<i>Nabiswa</i>	: Area around Lokitau'ng
<i>Namalo</i>	: An area around Kapenguria in Kenya
<i>Samoya</i>	: Area around the current Jinja in Uganda
<i>Silikwa</i>	: Uasin Gishu plateau
<i>Omukasa</i>	: Headman

Appendix 2: Glossary of the Sabaot Terms

<i>Bok/Pok</i>	: Sabaot sub-tribe
<i>Bungomek</i>	: Sabaot sub-tribe
<i>Camos</i>	: The supposed Lake Baringo
<i>Chepkitaile</i>	: The moorland areas of Mt. Elgon, it also means the Sabaots living in those areas
<i>Kibongoin</i>	: The supposed ancestor of the <i>Bungomek</i>
<i>King'oo</i>	: The speculated ancestor of the Sabaot
<i>Kipsengwer</i>	: The ancestor of <i>Sengwer</i>
<i>Kirwangindet</i>	: A Bok leader
<i>Kongin</i>	: The ancestor of the <i>Kony</i>
<i>Kumosop</i>	: The ancestor of the <i>mosopisek</i>
<i>Kupsomek</i>	: The ancestor of the <i>Somek/Sebei</i>
<i>Kokwet</i>	: Council of elders among the Sabaots
<i>Kony</i>	: A Sabaot sub-group
<i>Lamek</i>	: Alien
<i>Mosop</i>	: The people living around the moorland of Mt. Elgon
<i>Mosopisek</i>	: The Ndorobo formerly Ogiek
<i>Murenik</i>	: Warriors
<i>Ndorobo</i>	: Also Mosopisek, formerly Ogiek –a Sabaot sub-tribe
<i>Ngorinok</i>	: A fortified camp
<i>Ogiek</i>	: The Ndorobo as they were formerly known.
<i>Oloibon</i>	: Sabaot prophet and medicine men
<i>Somek</i>	: The <i>Sebei/Sabiny</i>
<i>Soy</i>	: The Sabaots living on the lower side of Mt. Elgon.
<i>Tumanae</i>	: The wife of <i>King'oo</i>
<i>Worgoondet</i>	: A prophet or the highest ritual leader among the Sabaot

Appendix 3: Letter of Introduction

Bradley Barasa Namunyu

P.O. Box 190,

Kakamega

bbarasa3@hotmail.com

Dear Respondent,

RE: PARTICIPATION IN THE RESEARCH

I am a graduate student at Masinde Muliro University of Science & Technology undertaking a Master of Arts degree in History. I am conducting research on *the Historical Development of the Land Question in the Bukusu-Sabaot Inter-ethnic conflict in Mt. Elgon Area Since 1850.*

The research aims at establishing the Bukusu-Sabaot relationship during the pre-colonial period, the Bukusu-Sabaot relationship during the colonial period and the Bukusu-Sabaot inter-ethnic land conflict in the Mt. Elgon area after independence for the benefit of inter-ethnic integration among the concerned communities and others.

I request your consent and participation in the data collection process that will aid me into the completion of my thesis. The information sought is purely academic and it will be treated with utmost confidentiality.

Thanks in advance for your contributions.

Yours sincerely,

Bradley Barasa Namunyu

Reg. No. HIS/G/02/2015

Appendix 4: Key Informant’s Data Sheet

- a) Name:
- b) Gender:
- c) Marital Status:
- d) Religious Affiliation:
- e) Year of Birth:
- f) Ethnicity:
- g) Name of Organization:

1. How long have you been staying in Mt. Elgon area?

2. Did your family migrate from somewhere? If yes, explain?

3. How did patterns of settlement, socio-economic and political interaction and establishment of colonial rule affect the relationship between the Bukusu-Sabaot during the pre-colonial period?

4. How did the establishment of colonial rule, colonial land policies, Christianity and *Dini ya Musambwa* (DYM) impact the Bukusu-Sabaot relationship in the colonial period?

5. How has post-independence politics; government policies, Gender dimensions, proliferation of Small Arms and Light Weapons and Ethnicity exacerbated the Bukusu-Sabaot post-independence land conflict?

Appendix 5: Sample Interview Questions

A: Interview

- i) Place:
- ii) Date:.....
- iii) Time.....

B: Respondent's profile

- i) Name
- ii) Age

- iii) Occupation
- iv) Gender
- v) Highest level of education
- vi) Place of birth

Section A:

How did interaction during the pre-colonial period affect the land question in the relations between the Bukusu-Sabaot?

.....

1. Explain the how socio-political and economic interaction affected the land question in the Bukusu-Sabaot relations during the pre-colonial period?

.....

2. Describe how land affected the Bukusu-Sabaot relations in Mt. Elgon area during the pre-colonial period?.....

3. Describe the production forces in Mt. Elgon area during the pre-colonial period?.....

.....

4. Describe the development of the land question in Mt. Elgon area during the pre-colonial period?.....

.....

5. Names some of the socio-political and economic aspects of the Bukusu and Sabaots in Mt. Elgon area.....

Section B:

How did the establishment of colonial rule, Christianity and Rise of schools impact the land question in Bukusu-Sabaot relations in the colonial period?

1. How did the colonial land policies affect the Bukusu-Sabaot relations during colonial period?

.....
.....

2. Describe how the establishments of Christianity in Mt. Elgon area affected the Bukusu-Sabaot relations during the colonial period regarding land?

.....
.....

3. How did the clamour for independence in Kenya and affect the land question in the Bukusu-Sabaot relations in Mt. Elgon area?

.....
.....

3. .How did the African representation in the Legislative Council (LEGCO), affect the Bukusu-Sabaot relations in Mt. Elgon area during the colonial period regarding land?

.....
.....

4. How did the Lancaster House Conferencess, Lyttleton and Lenox Boyd and independence constitutions affect the Bukusu-Sabaot relations during the colonial period regarding land?

.....
.....

Section C:

How has post-independence politics; government policies, Ethnicity, infiltration of Small and Light Weapons and Government policies affected the Bukusu-Sabaot post-independence land conflict?

1. How has post-independence Kenyan politics affected the Bukusu-Sabaot inter-ethnic land conflict affects independence?

.....
.....

2. Explain government policies that have affected the Bukusu-Sabaot inter-ethnic conflict in Mt. Elgon area after independence in Kenya?.....

3. Highlight how ethnicity has affected the Bukusu-Sabaot inter-ethnic land conflict in Mt. Elgon area after independence?

.....
.....

4. Describe how leadership lapse has contributed to the Bukusu-Sabaot post-independence inter-ethnic land conflicts?

.....
.....

5. Describe how the infiltration of Small and Light Weapons affected the land question in Mt. Elgon area after independence?.....

Appendix 6: Approval Letter from Directorate of Postgraduate Studies



MASINDE MULIRO UNIVERSITY OF SCIENCE AND TECHNOLOGY (MMUST)

Tel: 056-30870
Fax: 056-30153
E-mail: sgs@mmust.ac.ke
Website: www.mmust.ac.ke

P.O Box 190
Kakamega – 50100
Kenya

Directorate of Postgraduate Studies

Ref: MMU/COR: 509099

24th January, 2019

Bradley Barasa Namunyu,
HIS/G/02/2015
P.O. Box 190-50100
KAKAMEGA

Dear Mr. Barasa,

RE: APPROVAL OF PROPOSAL

I am pleased to inform you that the Directorate of Postgraduate Studies has considered and approved your Master's proposal entitled: *'Historical Analysis of the Land Question in Bukusu - Sabaot Inter-Ethnic Conflict in Mt. Elgon Area since 1850'* and appointed the following as supervisors:

1. Fr. Dr. Kizito Muchanga - Department of Social Science Education- MMUST
2. Mr. Jason Nyakoe - Department of Social Science Education- MMUST

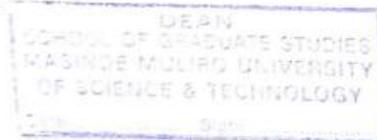
You are required to submit through your supervisor(s) progress reports every three months to the Directorate of Postgraduate Studies. Such reports should be copied to the following: Chairman, School of Arts & Social Sciences Graduate Studies Committee and Chairman, Department of Social Sciences. Kindly adhere to research ethics consideration in conducting research.

It is the policy and regulations of the University that you observe a deadline of two years from the date of registration to complete your Master's thesis. Do not hesitate to consult this office in case of any problem encountered in the course of your work.

We wish you the best in your research and hope the study will make original contribution to knowledge.

Yours Sincerely,

Prof. John Obiri



DIRECTOR, DIRECTORATE OF POSTGRADUATE STUDIES

Appendix 7: Research Permit

THIS IS TO CERTIFY THAT:
MR. BRADLEY BARASA NAMUNYU
of MASINDE MULIRO UNIVERSITY OF
SCIENCE AND TECHNOLOGY, 737-50200
bungoma, has been permitted to
conduct research in Bungoma County

on the topic: HISTORICAL ANALYSIS OF
THE LAND QUESTION IN THE
BUKUSU-SABAOT INTER-ETHNIC
CONFLICT IN MT. ELGON AREA

for the period ending:
12th February, 2020


Applicant's
Signature

Permit No : NACOSTI/P/19/36555/28031
Date Of Issue : 12th February, 2019
Fee Recieved :Ksh 1000




Director General
National Commission for Science,
Technology & Innovation

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