

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

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DECLARATION

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

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DEDICATION

This thesis is dedicated to my late father Emmanuel Namunyu. Even though he went too soon, he left an indelible mark in my life.

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ABSTRACT

Ethnic conflicts have been witnessed world over; 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 analysis of the land question in Bukusu-Sabaot inter-ethnic conflict in Mt. Elgon area since 1850. Specific objectives of the study are: to assess the relationship between the Bukusu-Sabaot during the pre-colonial period; to examine the Bukusu-Sabaot relationship in the colonial period and; to analyse the land question in the post-independence Bukusu-Sabaot conflict. This study was grounded on instrumentalists and constructivists theories of ethnic identity. Barth argued that ethnicity is a product of social process rather than cultural forces. Constructivist argues that ethnic identity is the latest invention in Africa created by colonialists and missionary agents. Instrumentalists on the other hand, view ethnicity as a tool by the elites as a means to achieve certain objectives. The finding of this study revealed that the land question in Mt. Elgon area can be traced to the conflict of migration and settlement between the Bukusu and Sabaot communities in Mt. Elgon area. The land question was also perpetuated by the both the colonial and post-colonial governments through their land and general policies. The study in addition found that socio-political and economic features of both the Bukusu and Sabaots 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 area 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 recommends that cultural relativity should be emphasised, and that conflicts actors should be at the centre of conflict mitigation. The study also recommended that gender related pressure regarding land ownership should be dropped 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 concludes 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
- Community:** A group of people with a common language, origin and beliefs
- Conflict resolution:** An effort to resolves a conflict by finding a way to end the conflict
- Conflict:** An armed or protracted conflict expressed violently or general disagreement between
- Ethnic:** To imply of a group of people sharing language, common origin and beliefs
- Ethnicity:** That pertaining of an ethnic, it is also the ethnic affiliation of an individual
- Ethnic identity:** An entrenched feeling of ethnic consciousness
- Genocide:** Killing of people on a massive scale
- Inter-ethnic conflict:** A conflict involving two ethnic groups
- Intra-ethnic conflict:** A conflict within an ethnic group
- Militia:** A gang of illegal armed organization with a command and structures that seizes and takes control of an area two communities
- Society:** A setting of a group of people living together in a neighbourhood.

LIST OF ABBREVIATIONS AND ACRONYMS

ADC:	African District Council
AP:	Administrative Police
BPU:	Buluyia People's Union
BU:	Bukusu Union
CAPU:	Coast African People Union
CEE:	Common Entrance Examination
CID:	Criminal Investigation Officer
CMS:	Church Mission 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 Party
KAR:	Kenya African Rifle
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's People's Convention Party (NPCP)
ODM:	Orange Democratic Movement
PNU:	Party of National Unity
PC:	Provincial Commissioner
RCC:	Roman Catholic Church
SALW:	Small 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

1.0 Introduction

This chapter highlights the background to the study, statement to the problem, specific objectives, literature review, research questions, premises, justification, and significance of the study. The chapter also covers the theoretical framework and research design.

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. The effects of the inter-ethnic conflicts have profound ramifications 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 inter-ethnic conflicts contributes significantly to loss of lives, destruction of property and disruptions of livelihoods.¹

Porous borders have significantly been attributable to the influx of Small 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. Fredrick Warurii says;

...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

The twentieth century, witnessed the emergency of 'organized' conflicts and carries the dubious distinction of being the most controversial century in the human conflict history. In Armenia, the ottoman Turks engaged in a conflict with the Armenians from 1915 to 1923. Turkish administration in the provinces of Armenia was exploitative and oppressive to the Armenians. In the competition for land, official licensing of Kurds in eastern Anatolia encouraged unlawful transfer of property, the dispossession of the rural Armenia population and their emigration from

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

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

their homeland. In 1915 Armenians lived in all major cities of Ottoman Empire but by 1923, the Armenian population of Turkey had been reduced to those living around Constantinople.³ Vietnam engaged in a land conflict with ethnic Chinese, as known as the war of expansion. Vietnam had invaded Cambodia in 1978. This led to ethnic hostilities between ethnic Chinese and Vietnamese; as a result, about one million ethnic Chinese were displaced from Vietnam.⁴

In Africa, a continent believed to be the cradle land of man, inter-ethnic conflicts have littered the continent's rich history.[Africa can be 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. The disastrous amicably solution has given leeway to unrests in the region that resurrects periodically. The two communities fight to control land as a social and economic asserts which is inherent in their social and economic spheres.⁵

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 Royal Niger Company, which, upon its authority revocation transferred the land in question to the governor of Nigeria. The colonial state like the Royal Niger Company left the land undeveloped and unoccupied creating an avenue for the rights of claim by the Hausa-Fulani and the Yoruba.⁶Arowosegbe 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.⁷

³Anthony Giddens: *Sociology* 5th ed. (New Delhi: Wiley India private limited; 2006); p.500

⁴Richard T. Schaefer: *Sociology* (New York: Mc Graw Hill; 2012); p.269

⁵ Asamoah, P.K.: *Ethnic conflicts: A threat to Ghana's internal stability* (Oslo: Master of Philosophy thesis; University of Oslo; 2014); p. 61

⁶Arowosegbe, J.O. : *Ethnic Minorities and Land Conflicts: Social science research council / working papers* (Ibadan: University of Ibadan; 2017); p. 13

⁷*ibid*

In DRC Congo, the Kalehe (South Kivu) area, the Tutsi and the Hutu are engaged in inter-ethnic land conflicts. The Tutsi expects 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 corollary in the area.⁸Gillian and Vlassenroot best explains this concept 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.⁹

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.¹⁰

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 inter-ethnic conflict between the Tutsi and Hutu in Rwanda 1990-1994.¹¹

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 agriculturalists communities fight to control land for crop cultivation. Fredrick Warurii furthers that;...in Kenya inter-ethnic conflicts 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

⁸Gillian Mathys and Koen Vlassenroot: 'It's *not all about the land*': *Land disputes and conflict in the eastern Congo* (Nairobi: Rift Valley Institute psrp briefing paper 14, 2016); p. 5

⁹*Ibid*

¹⁰*Ibid*

¹¹ Billy Batware: *Rwandan ethnic conflict* (Australia: European University; 2012); p.4-5

Kikuyu and the Kalenjins 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 2013.¹²

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 Orma (pastoralists) invasion on the Kau farm, which is believed to be Orma land. The Orma instead claimed they were using a migratory route that seemed to have been converted into a rice farm. The escalation of the conflict led to the loss of two hundred lives and destruction of property that run into millions.¹³

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.¹⁴On 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.¹⁵

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.¹⁶Kipkemoi furthered that;

Different ethnic communities flock to Kuresoi North sub-county to purchase land, since it's 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

¹² Warurii, F. K., *Op.cit*, p. 3

¹³Kirchner, 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

¹⁴*An assessment of social-economic impact of conflict in Turkana and West Pokot Counties*, (SRIC; 2016); p. 16

¹⁵*ibid*

¹⁶Kipkemoi, L. J. :*Factors influencing inter-ethnic conflicts in Kuresoi north sub-county Nakuru county, Kenya* (Nairobi: MA thesis, University of Nairobi; 2015); p. 18

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 cases opt to move to other regions until such a time when peace prevails.¹⁷

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. An observation by Beatrice Imbuye is 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.¹⁸

The conflict in the Mt. Elgon area has attracted the attention of social sciences scholars from different fields. Many studies done on the area had different objectives with the aim of finding a lasting solution to the unending land conflict in the area avoided 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 finding a lasting solution to the Bukusu-Sabaot inter-ethnic land conflict and similar land related 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.

¹⁷*Ibid*

¹⁸ Beatrice Imbuye: *Intra-ethnic Relations among the Sabaot of Mt. Elgon* (Nairobi: MA thesis Kenyatta University; 2016); pp. 121-5

1.2 Statement of the Problem

Inter-ethnic conflict has attracted attention among, anthropologists, political scientists, sociologists, historians and scholars in the field of social sciences in general. This explains how inter-ethnic conflict has become common. The Bukusu-Sabaot inter-ethnic land conflict is an age old crisis. However, Bukusu-Sabaot inter-ethnic land conflict has failed to capture the attention of many scholars. This study enacted the historical analysis of the land question in Bukusu-Sabaot inter-ethnic conflict in Mt. Elgon area since 1850. The study aimed at assessing the relationship between the Bukusu-Sabaot during the pre-colonial period, examining the Bukusu-Sabaot relationship in the colonial period and analyses the land question in the post-independence Bukusu-Sabaot inter-ethnic conflict.

1.3 Research Objectives

This study was guided by the following objectives;

- i) To assess the relationship between the Bukusu and the Sabaot during the pre-colonial period,
- ii) To examine the Bukusu-Sabaot relationship 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 patterns of settlement, interaction and establishment of colonial rule affect relationships during the pre-colonial period?
- ii) How did the establishment of colonial rule, Christianity and formation of early political association impact the Bukusu-Sabaot relationship in the colonial period?
- iii) How did politics, government policies, ethnicity, gender dimensions, colonial legacy dimensions and infiltration of small and light Weapons impact the Land question in the post-independence Bukusu-Sabaot conflict?

1.5 Research Premises

- i) The pattern of settlement and interaction affected relationship between the Bukusu-Sabaot during the pre-colonial period.
- ii) The establishment of colonial rule, Christianity and formation of early political association affected the Bukusu-Sabaot relationship in the colonial period
- iii) Politics, government policies, ethnicity, gender dimensions, colonial legacy 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 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. 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 failed to capture the attention of scholars.

Limitation of this study is occasioned in the sense that, instead, of studying inter-ethnic conflicts in general, the study was specific to the Bukusu-Sabaot inter-ethnic conflict in the Mt. Elgon area in Kenya. The fact that this study took into account varied views along theoretical analysis, the main conclusions was made on the Bukusu-Sabaot inter-ethnic conflict in the Mt. Elgon area in Kenya.

1.8 Theoretical Framework

This study explored Instrumentalists and Constructivists theories in explaining the manifestation of the Bukusu-Sabaot inter-ethnic land conflict in Mt. Elgon area since 1850. The two theories complimented each other to give a holistic explanation of the historical expression of the inter-ethnic land conflict between the Bukusu and Sabaots 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.¹⁹

Instrumentalists hold that even if ethnic groups share common cultural aspects, these identities and traits are driven by rent seeking...²⁰ Asamoah furthers that, to the instrumentalists, 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.²¹

An instrumentalist holds that ethnic clash does not rise up out of contrasts in ethnic characters legitimately. Or maybe it happens just when ethnic characters are politicized or controlled to produce political and financial points of interest for an ethnic gathering at the expense of denying or dismissing different ethnicities.²²

Asamoah further posits that; Instrumentalists theory as the case of ethnic conflicts area as a result of rent seeking and the material benefits that one achieves in the name of ethnicity than the common traits and identity that characterize ethnicity to gain political leverage over the masses by individual or groups to pursue their parochial interests.²³

On the other hand, elite instrumentalists' 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 attributes the prevalence of ethnicity and ethnic conflicts to the

¹⁹ Asamoah, P.K., *Op.cit*, p. 12

²⁰*Ibid*, p.11

²¹*Ibid*

²²*Ibid*

²³*Ibid*,p.12

work of elites. Elites constitute a small, cohesive and privileged minority within ethnic groups and classes who play active roles in socio-economic formation and mobilization.²⁴

Instrumentalists can reveal the overall political and economic structure of a society and help analyse the creation of new identities within these structures.²⁵ Imbuye further asserts that; Instrumentalists associate ethnic identities to social classes. Thus, ethnic groups can join together in political pursuit of their group interests. They posit that ethnic identities are similar and important either because of circumstances or the role of elites in manipulating identity.²⁶

While Instrumentalism features world class control or politicization of ethnicity as the basic wellspring of complaints which initiate ethnic clashes, it can't freely clarify why individuals effectively, agreeably and viably activate along ethnic lines. Instrumentalist hypothesis disregards the social and mental components that could prompt the contentions.²⁷

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: ... ethnicity is an on-going innovation in Africa. The constructivists (Hobsbawn and Ranger, 1983; Anderson, 1983; Horowitz, 1985) contend that the provincial state organized examples of personality development in the public eye. Colonizers regularly created ethnic conventions for their locals so as to control them and essentially ponder them or rather so as to isolate and vanquish them.²⁸

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.²⁹ 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

²⁴Geoffrey Khamala: *Gender dimension of ethnic identities and conflicts in Kenya: The case of the Bukusu and Sabaot communities* (Nairobi; Kenyatta University; 2009); p. 53

²⁵Imbuye, B., *Op.cit*, p.24

²⁶*Ibid*

²⁷*Ibid*

²⁸ Khamala, G., *Op.cit*, pp. 53-4

²⁹Andres Wimmer: *The Making and unmasking of Ethnic boundaries : A Multilevel process theory* (Los Angeles: University of California; 2008); p. 972

identities are communally manipulated for the outbreak of ethnic conflicts.³⁰ Imbuye asserts that; constructivists interrogate the origin of ethnic groups, tracing identity construction or invention to the activities of colonial authorities, missionaries and emergent nationalists and emphasizing the historicity and fluidity of ethnic identities.³¹

Constructivist focuses to the way that advanced ethnicities were a result of pilgrim exercises, which turned into the reviving purpose of pre-frontier African ethnicities. Imbuye opines that; cutting edge African ethnicity was a social development of the frontier time frame through the responses of pre-pilgrim social orders, the effect of and African reaction to pioneer rule, and the contemporary congruity of establishments and directions of progress set down in the provincial time frame.³²

Disfranchised Africans rallied behind their ethnicity to agitate for the return of their alienated land and resources.³³ However, pre-colonial African societies were a social web of domination and dependence at the behest of patriarchal leadership which constructivism does not affect.³⁴ The constructivists approach is quite insightful especially on the role of colonialism in widening the divide between different ethnicities but the framework seems to lack the requisite data on pre-colonial ethnic formation and ethnic relations in Africa.³⁵

This study therefore, complimented constructivism and instrumentalism theories of ethnic conflicts, to investigate the historical analysis of the land question in the Bukusu-Sabaot inter-ethnic conflict in Mt. Elgon area.

1.9 Literature Review

This sub-section explored related works on inter-ethnic conflict by other scholars. It seeks to fill the identified gaps in this study in accordance to the study objectives. While demonstrating the reality of inter-ethnic conflicts as a global problem, Khamala observed that, the crisis of ethnic

³⁰Imbuye, B., *Op.cit*, pp.18-19

³¹*Ibid*, p.18

³²*Ibid*, p. 20

³³*Ibid*, p.23

³⁴*Ibid*

³⁵Geoffrey Khamala., *Op.cit*, p. 54

identities and conflict is a global phenomenon; almost every major region of this world has societies separated along ethnic lines.³⁶

This study explored ethnic conflicts globally, regionally, nationally and finally in the study area. The identified gaps helped give this study confidence while similar areas were also instrumental in shaping this study.

1.9.1 Ethnic Conflicts

Chunks of literature exist on inter-ethnic conflicts worldwide. For instance, a study by Peter Lyon titled, *Solution for ethnic conflict: Democratic governance in Afghanistan* uses Afghanistan as a case study to advocate for strong governance and democratic institutionalization in stable national order as a solution to ethnic conflicts. In the study, Lyon uses Michael Ignatieff's theory which argues that; in the case of ethnic conflicts, ethnicity itself is not the chief antecedent variable explaining the outbreak of violence. The theory points out that the rise of ethnic nationalism and the descent into ethnic strife in the end product of a series of events initiated by the collapse of national political order.³⁷

Lyon uses this theory to explain how the outbreak of ethnic violence breaks down state government which creates anarchy and war. Michael Ignatieff draws a parallel between the outbreak of ethnic violence and the breakdown of state government. Ignatieff's theory furthers that the absence of political order breeds warlords who create alternative systems of governance and sometime mushroom leading to ethnic competition. In line with this theory, Peter Lyon's study is succinct that;

Local warlords capitalize on this climate of fear and promote ethnic belonging as an alternative form of protection to meet basic needs. This retrenchment to polarized camps heightens competition and foster discord between ethnic groups, thus creating an internal security dilemma. This dynamics triggers a spiralling cycle of group mobilization and increased tensions which lead ultimately to open conflicts. The anarchical domestic structure creates the permissive environment which predicates the outbreak of war.³⁸

³⁶*Ibid*, p. xvi

³⁷ Lyon, P.D.S.: *A solution for ethnic conflict: Democratic governance in Afghanistan* (Oslo: Oslo University; 2006); p. 301

³⁸*Ibid*

The study points out how ethnic relations can be improved through the creation of democratic institutions in Afghanistan. It holds that ethnic conflicts happen because of lack of a stable central government and general instability in a state government. It suggests that a stable government with strong democratic institutions in Afghanistan will be an antidote to the infinite ethnic conflicts.

The research analyses the viability of transplanting democratic institutions in Afghanistan. It points out that; in a failed state, the reconstruction of democratic national institutions will stabilize internal relations by creating the requisite political machinery to arbitrate disputes through peaceful means. Its normative appeal for outside parties to engage actively in a reconstruction effort designed to mitigate ethnic conflict.³⁹

Peter Lyon study argues that while ethnicity can indeed cause the collapse of governments, it is a static variable that needs chief antecedent variable. The scholar uses the Afghanistan case to deduce that, the collapse of the Afghanistan national order ushered in anarchy and ethnic conflicts. Peter Lyon posits that;

While ethnicity in and itself is a necessary factor underpinning ethnic conflicts, it is not sufficient cause determining the outbreak of group aggression. Ethnic difference is a static variable requiring the presence of contributing factors in order to activate violence. Afghanistan is a multi-ethnic state with a history marked by war and ethnic violence. For over two decades Afghanistan has experienced internal war resulting in the collapse of the state structure.⁴⁰

The study is important in finding lasting solutions globally, its assertion that ethnicity is an antecedent variable of ethnic conflict and the development of militia in a conflict area is of the essence to this study. However, in relation to that current study, Lyon's study failed to bring out the conflict phenomena within this study's set objectives. It did not particularly probe into the inter-ethnic relationships as a build up to the land conflict and also failed to do a historical analysis of the land conflict in general. The study narrows to democratic institutions at the state

³⁹*Ibid*

⁴⁰*Ibid*, p. 302

level and it fails to emphasize on inter-ethnic relationships within the inter-community level which this study fills. Lyon's study fails to draw its conclusion on instrumentalism and constructivism which contextualizes ethnic conflicts as an act of elite manipulation of ethnicity and ethnic conflicts as a recent invention in Africa through colonialists and missionaries activities respectively even though it employs Michael Ignatieff's theory which presupposes collapse of national political order as the chief cause of ethnic conflicts.

Molly Inman's work titled, *When National Minorities Become Local Majorities: Federalism, Ethnic Politics and Violent Conflict*; uses the quantitative methodology to analyse ethnic groups in a federal state as a unit of analysis in a given year. In the work, Inman utilizes the local outbidding by minority groups in a federal theory to explain how local ethnic politics turns violent when intra-ethnic competition is high.⁴¹

Inman's study explains why federalism is not a solution to the endemic problem of violent ethnic conflicts, why local ethnic politics in federal units frequently lead to violence between ethnic group; why the federal government intervene with force into inter-ethnic conflicts rather than simply allowing the local government of the federal unit to resolve the issue and why federalism sometimes work in preventing violent conflict and sessions in countries where ethnic politics is salient.⁴²

Molly Inman's study explains how politics has failed to solve the prevalent problems of inter-ethnic conflicts; it additionally explains how politics triggers an inter-ethnic conflict which was significant to this study. It also advocates for integration of ethnic minorities in systems of governance to inspire sense of conclusion and also exposes the extra-judicial measures instituted by central government in dealing with inter-ethnic conflict which was also important to this study. However, the inadequacy of Molly's study is that, it fails to outline the land conflicts and rather identifies federalism as an independent variable. It also fails to historicize the conflict into a historical analysis_ a gap that this study seeks to fill. It makes its suppositions on the local ethnic outbidding by minority groups in federal system theory, which explains how local politics

⁴¹Molly Inman: *When national minorities become local majorities: Federalism, Ethnic politics and violent conflict* (Maryland: University of Maryland; 2013); pp. 52-65

⁴²*Ibid*

turns violent when intra-ethnic political completion is high and fails to factor the historical materialism theory which presumes inter-ethnic conflicts as a struggle to control the material condition of life, which this study seeks to fill.

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.⁴³

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.⁴⁴ Asamoah listed the true causes of conflicts to include; ethnicity and over-reliance on ancient hatreds which over-simplifies deeper problems.⁴⁵

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 inefficiency political order sanctions institutional maladministration breeding an abusive system that violates human rights in the midst of territorial protectionism and the quest to control land.⁴⁶ The findings from that study were central in this study.

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

⁴³ Asamoah, P.K., *Op.cit*, p. 26

⁴⁴ *Ibid*, p.8

⁴⁵ *Ibid*, p. 11

⁴⁶ *Ibid*, 2014:61

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.⁴⁷

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 but fails to put land into a historical perspective which this study fills. It summarily, illustrates that; constant reoccurrence of ethnic conflict poses a threat to the peace and stability in Ghana.⁴⁸

Another work worth reviewing is that by Elizabeth Lothe, titled, *Ending Ethnic Conflict: Can Power Sharing Contribute to Sustained Peace in Burundi*. The study employs qualitative case study to appraise power sharing as an approach to control conflict and evaluate whether power sharing institutions succeed in what they are set up to do.⁴⁹ Lothe postulates;

The discussion of consociation and integrative models has highlighted advantages and draw backs with both models of power sharing. The strengths of consociation derive from the fact that it provides firm guarantees to minorities that will be represented and heard, both because such an agreement permanently fixes representation and thus brings a certain predictability, and also because it gives all groups a veto on important decisions.⁵⁰

Consociation system is argued by Lothe as one that reasserts ethnic brinkmanship by escalating ethnic identity. It draws democratic flaws making it uncertain, ethnic cooperation across the political divide may fails to be sustainable because there is little or no experience with such model. Lothe hypothesizes the amalgamation of consociation and integrative approaches as the best solution to ethnic conflicts.⁵¹ Lothe writes the following about Burundi;

The portrayal of conflict in Burundi as one between two ethnic groups that are inherently opposed to each other is incomplete and

⁴⁷*Ibid*, p. 61

⁴⁸*Ibid*

⁴⁹Elizabeth Lothe: *Ending ethnic conflict: Can power sharing contribute to sustained peace in Burundi* (Oslo: University of Oslo; 2007); p. 44

⁵⁰*Ibid*

⁵¹*Ibid*

not correct. The brief review of history has shed light on the significant intervals division between groups dating back to pre-colonial times, divisions that existed well into post-colonial era. The reality is not two homogenous, cohesive groups, but several alliances brought together by political entrepreneur in the interest of promoting personal and group power, using the prerogative of ethnicity and group security. Despite hopes for an inclusive democracy, the post-colonial state failed to promote a more inclusive vision of Burundi society. Institution of the state has been used to create a system of ethnic differentiation and marginalization and concentrated power in the hands of ethnic minority the Tutsi elite, while marginalizing the Hutu from political and societal life. Significant internal leverage exists within and across the ethnic groups, primarily based on regional differences. The issues at the centre of these conflict, is the division of the national cake.⁵²

The new political order failed to offer security to the minority (the Tutsi). Further, ethnicity was recognized as a factor in Burundi's stability. Besides, the ministerial award to the Tutsi in government, it did not convincingly entice the Tutsi elites who had lost grip to power that they had held for decades. Moreover, the dismal performance of Union for National Progress (UPRONA) and the Tutsi community in national elections deepened the Tutsi resentments. In this regard, Lothe noted that; the Tutsi did not have minority veto in practice. Army reform was not initiated as part of the transition to democracy. This made it possible for the Tutsi dominated army to intervene when power slipped away from the Tutsi elite.⁵³

Presently, the ethnic factor has been incorporated and institutionalized in all respects of governance in Burundi, the Tutsi representation in the National Assembly outnumber the Hutu, and both the Hutu and the Tutsi enjoy a fifty-fifty representation in the Senate. In addition, political transition to democracy has been achieved through pluralism. The mushrooming of political parties representing different interest groups has leveraged ethnic cleavage in Burundi. Even so, Burundi is still facing political challenges.⁵⁴ Lothe furthers that;

...a more pluralistic and fragmented political environment, in which cross-ethnic allegiances have emerged, have reduced the

⁵²*Ibid*, pp. 56-7

⁵³*Ibid*, p. 81

⁵⁴*Ibid*, pp. 69-80

risk of bi-polar confrontation between two major ethnic groups. The post transitional period has also been quite turbulent. Many problems experienced in the relationship between the majority and the opposition as well as within the ruling party, highlight an important limitation to power sharing.⁵⁵

Lothe's study assesses the role that power sharing institutions have played in Burundi's democratic transition, it draws its conclusion on the theory of power sharing, it also sets out to evaluate if power sharing has been used to manage disputes and whether power sharing institutions succeed in what they are set up to do.⁵⁶

However, Lothe's study failed to address constructivists' aspect of colonial and missionaries' activities in the expression of inter-ethnic conflicts which this study seeks to fill. The study was important to this work because it points out the political elites hand in inter-ethnic conflicts, political leadership incapability to solve inter-ethnic conflicts and inability of plural politics as a solution to ethnic interests which will be important to this study. The study also fails recognize the centrality of land in ethnic conflicts which this study fills.

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 related to the research questions and objectives. The research was guided by two comfort theories, the incompatibility of plural society by Furnivall and Smith (1997) and the Greed versus Grievances theory by Collier and Hoeffler (2004)⁵⁷ According to Furnivall & Smith (1997) [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.⁵⁸

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

⁵⁵*Ibid*

⁵⁶*Ibid*, pp. 45-65

⁵⁷Warurii, F.K., *Op.cit*, pp. 32-41

⁵⁸*Ibid*, p. 32

eradicated through a political order ensures equitable distribution of available economic resources and sound political policies and supports the same.⁵⁹

While correlating inter-ethnic conflicts in Rumuruti with colonialism in Kenya, Warurii contends that effective colonial occupation by the British in Kenya under the protectorate colonial state commenced with the conclusion of the Ugandan railway in 1901. The British in Kenya then introduced a new governing order that set up land alienation from African communities to generate opportunity for the settler economy; ostracized and repressive policies were embedded, making 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 creates room for violent expression of grievances.⁶⁰ Warurii observes that;

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.⁶¹

The study looks 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 (2004).⁶²

Warurii's work fails to 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 fails to theorize

⁵⁹*Ibid*

⁶⁰*Ibid*, p.141

⁶¹*Ibid*, pp. 142-3

⁶²*Ibid*, pp. 54-112

the conflict as a structural construction of the colonial and missionaries activities, even if it attributes the problem of land to the colonial administration, which this study seeks to fill. 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 inter-ethnic conflict recurs in Rumuruti and the role of actors 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. The study even though identifies land as a variable in the conflict; it does not particularly probe into historical analysis of land which this study fills.

Yattan D. Isacko work uses a cross-sectional study design because it aimed at finding out the prevalence and changes of conflict between the Gabbra and the Dassenetch, to reconstruct inter-ethnic conflicts between the Gabbra and Dassenetch communities of Marsabit County. Isacko's work was guided by Edward E. Azar's Protracted Social Conflict (PSC) Theory. The theory assumes that, conflicts in most underdeveloped countries arise out of long-drawn-out social conflicts. First, the most significant of all factors that lead to protracted social conflicts is communal composition. Secondly, protracted social conflicts are characterized by disarticulation between the state and society as a whole.⁶³ Yattan sheds light on the causes of the Gabbra and Dassenetch inter-ethnic conflict as seen in the following excerpt;

The causes of armed conflict between Gabbra and Dassenetch range from individual or group volition to structural inequality and injustices. The primary cause of conflict between the Gabbra and Dassenetch is competition over declining resources. The history of the region also indicate that there have been massive population movements where groups have been pushed out by other groups or have been pulled by the search for pasture and water. The conflicts between the Gabbra and Dassenetch are characterized by raiding assaults and banditry incidents. Retaliations and counter-retaliations are the dominant features of this conflict.⁶⁴

⁶³Yattan D. Isacko: *Inter-ethnic conflicts between the Gabbra and Dassenetch communities of Marsabit County* (Nairobi: Kenyatta University, 2015); pp. 24-27

⁶⁴*Ibid*, pp.54-93

Yattan's study highlights that the main cause of the Dassenetch and Gabbra inter-ethnic conflict in Marsabit County is competition over diminishing resources. This is also the case in the Bukusu-Sabaot inter-ethnic conflict where land is at the centre of endemic conflicts. This was not important to this study which highlighted land as the main cause of the conflict between the Bukusu and Sabaots.

The study divulges that inter-ethnic conflicts have had unconstructive upshot on communities' social structures, economies and political institutions. Cattle raiding, proliferation of small arms and light weapons are some of the pointers of the conflict. It is worthy to note that armed conflicts obstructed human development and annihilated livelihood. The aftermath of violence on the economy are poverty and other degrading situations such as hunger and malnutrition, unsafe water, lack of basic medical care, inadequate clothing and housing.⁶⁵ Yattan assets further on government inefficiency to combat the conflict in Marsabit County;

...the state did not provide meaningful security and while there were early warnings of looming violence, the government machinery including the security forces failed to respond in good time. Ethnic conflicts in Marsabit County could have been minimized or even prevented if early actions had been taken by relevant authorities. It was therefore necessary to evaluate the conflict mitigation measures that needed to be put in place.⁶⁶

Yattan's study supposes that the elite and the middle class influence the political class to perpetrate the atrocities in Marsabit County, has made different regimes to try to appease them by integrating them in the conflict interventions structures to end the conflict has been ineffective. This was important in the Bukusu-Sabaot inter-ethnic conflict. The study ascertains that conflict resolution should guarantee grassroots mobilization by suitable strategies to accustom the masses on the need for communal stability in the interest of development, peace and tranquillity. Yattan's study recommends the fusion of traditional methods of conflict mitigation with western models to attain a holistic solution to the recurring conflicts, which was important to the Bukusu and Sabaot inter-ethnic conflict.⁶⁷ The study explores the causes behind the frequent conflicts between the Gabbra and the Dassenetch, the socio-economic effects

⁶⁵*Ibid*, 96

⁶⁶*Ibid*, pp. 96-97

⁶⁷*Ibid*, p. 114

of the conflict between the Gabbra and the Dassenetch and methods employed in conflict and how the methods can be improved to create concrete conflict resolution mechanism between Gabbra and Dassenetch communities.⁶⁸

Whereas study by Yattan was necessary to draw comparisons with the current study, especially on conflict resolutions and effects of inter-ethnic conflicts to the affected communities in creating a concrete conflict resolution mechanism, it however failed to draw its findings on instrumentalism and constructivist theories of inter-ethnic conflicts because it utilized Edward E. Azar's Protracted Social Conflict (PSC) theory which this study seek to fill. It is also fail to take into account the sensitivity of land which this study tries to analyse historically. The study also fails to look into the aspects of inter-ethnic relationship as a build up to inter-ethnic conflict, which this study seeks to fill.

1.9.2 Ethnic Conflicts in Mount Elgon Area

In general, several studies have been done on either intra-ethnic or inter-ethnic conflict 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 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.⁶⁹

Imbuye's work also complements constructivism theory with Instrumentalism Theory arguing that ethnic conflicts are as a result of elite politicization of the aspects of ethnicity. The study

⁶⁸*Ibid*, pp. 54-93

⁶⁹ Imbuye, B., *Op.cit*, pp. 18-19

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.⁷⁰ Instrumentalism and constructivism theories are both similar to this study. Nonetheless, while Imbuye's works draws conclusion of the intra-ethnic conflicts among the Sabaots, this study on its part draws inference on the Bukusu-Sabaot inter-ethnic conflicts in Mt. Elgon area.

About the Sabaots 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 Sabaots 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 Sabaots in both Kenya and Uganda. Mt. Elgon was not the initial name of the area it was given by explorer Thompson; the name could have been a growing seed of discord because it is associated with the Kony...⁷¹

The study gives a geographical and historical root to intra-ethnic relations among the Sabaot, 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 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 was important to this study, they are intra-ethnic based among the Sabaots and does not factor the Bukusu in Mt. Elgon area which this study seeks to fill.⁷² 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

⁷⁰*Ibid*, 18-23

⁷¹*Ibid*, p. 147

⁷²*Ibid*, pp. 35-70

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 Sabaots apart, as a section of the Christians convert objected its ideals.⁷³

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. 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.⁷⁴ These actors were essential in these study findings on finding a lasting solution in the Bukusu-Sabaot conflict, especially on their active involvement in conflict resolution process.

In as much as it identifies land as the centre of intra-ethnic conflict, it is blind 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.

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 Mount Elgon region with post-colonial land politics and colonial land policies. The study cites the military

⁷³*Ibid*, pp. 151-153

⁷⁴Imbuye, B., *Op.cit*, pp.131-133

intervention as a temporal order in the conflict mitigation since the real issue remains unresolved.⁷⁵

Her study identifies ethnicity as the cause of the land conflicts in Mount Elgon area. However, it fails to investigate land as the independent variable and also fails to draw its conclusion on the Bukusu-Sabaot 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 conflict.⁷⁶

Waithaka 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.⁷⁷

The study is basically limited to the intra-ethnic conflict as it overlooks the inter-ethnic aspect in the study that this research seeks to fill. While the study traces the conflict back into the colonial and post-colonial eras in the building up of the conflict, it fails to put the conflict into the instrumentalists and constructivist theoretical perspective.

Also important, is Khamala's work that uses exploratory research design to construct the crisis of gender in explaining the Bukusu-Sabaot identity. Khamala understand 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.⁷⁸

Introspectively, Khamala's study reveals that it was pegged on several theories. It was linked to primordialist theory which explains social genetic explanation of ethnic identity as an extension of biological kinship. On the other we have the instrumentalist theory which argues that ethnic identity is externally influenced, while constructivists' theory has it that ethnic identity is the latest invention in Africa created by colonialists and missionary agents. The feminist's

⁷⁵Lucy. N. Waithaka: *Ethnicity as an independent variable in the land conflict in Mount Elgon region* (Nairobi: University of Nairobi; 2013); pp. 44-63

⁷⁶*Ibid*

⁷⁷*Ibid*

⁷⁸ Khamala, G., *Op.cit*, p. 45

theoretical perspective recognizes that patriarchy is the fundamental social cleavage in society. The study is further linked to post-colonial theorists who;

...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.⁷⁹

The study, nonetheless, affirms its conclusion on the Spivak's subaltern theory. The Spivak's subaltern theory, argues for the efficacy of a premeditated essentialism when embraced from the position of a subjugated group, who may seek a more positive and challenging identity from such a state when dealing with cultural explanation of practices. The study failed to draw its conclusion on the instrumentalists and constructivist theories of ethnic conflicts which this study fills.⁸⁰ Spivak's subaltern theory explains that;

Spivak's subaltern theory aides in unravelling and explaining four critical questions, first, the theory explains how ethnic identities are constructed and how gender contributes to the construction of Bukusu and Sabaot ethnic identities. Second, the theory explains how the constructed gender specific identities are reinforced through symbol, myths and rituals. Third, the theory helps to explain how the competition between constructed and reinforced gendered ethnic identities manifest in politics and struggle for economic and other resources. Finally, the theory explains why ethnic conflicts occur.⁸¹

The study puts forward that power relations inequality between men and women inform the construction of separate ethnic identities. It also occasions uneven access to social, economic and political power between men and women. Women are excluded from political leadership and ethnically disadvantaged the right to own land. The Bukusu-Sabaot identities are prearranged in way that dispirits inter-marriages.⁸² 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

⁷⁹*Ibid*, pp. 54-7

⁸⁰*Ibid*, p.57

⁸¹*Ibid*,

⁸²*Ibid*, p. 56

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.⁸³

The Bukusu-Sabaot developed clash with dissimilar unconstructed personalities, in life encounters; they are formed by images, fantasy and customs which are the centre parts of presence. The developed Bukusu and Sabaot ethnic personalities cross with sex lopsided characteristics, to fuel strains and clashes in political and financial circles. .⁸⁴

Khamala further states that; built Bukusu and Sabaot ethnic personalities and they went with sexual orientation awkward nature cooperate and commonly condition, expand, challenge each other in Kenya governmental issues and monetary circumstance. Development of ethnicities is a method for adjustment to externalize struggle and set human gatherings going from the family, genealogy, tribes and ethnic gatherings to go head to head outside animosity. The forbidden on inbreeding, which is practically general and attributable of the Bukusu and Sabaot people group, maintains a strategic distance from rivalry and strife inside the family.⁸⁵

Khamala's investigation puts into viewpoint significance of sexual orientation in characterizing ethnic personality among the Bukusu and Sabaot, it further set up how the codification of experience into images, fantasy and customs conceivably strengthens the separateness of the Bukusu and Sabaot people group and strife among them. It additionally analyzed how the Bukusu and Sabaot personalities communicate and commonly condition, increase, or challenges each other in the political-financial and social circles along these lines adding to ethnic clash, this was essential to this examination particularly on sexual orientation measurement in the Bukusu-Sabaot between ethnic clash. The investigation is likewise involved in how establishments conflated with manliness interlock with women's activist to assemble the network towards

⁸³*Ibid*

⁸⁴*Ibid*, pp. 71-108

⁸⁵*Ibid*, pp. 54-108

rivalry and ethnic difficulty among the Bukusu and the Sabaot which was additionally crucial to this examination.⁸⁶

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.⁸⁷ The study is founded on the contemporary sociological conflict theory advanced by Karl Marx. Contemporary sociological conflict 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.⁸⁸

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 historical and geographical background links the physical landscape with human habitation. The study affirms that both ethnic identities strains inter-ethnic relations. This finding was 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.⁸⁹

The study holds that by 19th century, the Abatachoni, Babukusu and Sabaot had already established in 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.

⁸⁶*Ibid*

⁸⁷Pius Kakai: *History of inter-relations in Mt. Elgon, Bungoma and Trans Nzoia* (Nairobi: University of Nairobi, 2000); p. 23

⁸⁸*Ibid*, pp.18-9

⁸⁹*Ibid*

Traditional methods of conflict resolution was 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 conflict.⁹⁰ The study further asserts that;

Imperialism was settled in Bungoma, Mt. Elgon and Trans Nzoia regions somewhere in the range of 1894 and 1945. New provincial qualities installed in Christianity, western minister training and managerial arrangements, carried new measurements to entomb just as intra-ethnic or sub-ethnic and furthermore between racial relations, the development of mission instructed world class has been depicted as having esteems which made elites see past ethnicity. Perspectives on Kitosh Education Society just as North Kitosh Farmers Association have been utilized to show how indigenous networks challenged pilgrim racial strategies.⁹¹

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.⁹² The study further posits that, as 1993 drawn nearer, a few segments of Buluyia and Kalenjin adjusted to Kenya African National Union (KANU) while other adjusted to Kenya African Democratic Union (KADU) outside political clashes and pressures the three networks kept on coordinating between wed and complete undertakings together.⁹³

The Sabaot and the Abaluyia of Bungoma, Mt. Elgon and Trans Nzoia were influenced by provincial assertion; which made it hard to concrete nationhood. New voting demographics and new regulatory limits have been made after some time as method for settling to ethnicity. Outside impact has likewise stressed between ethnic relations, globalization and multi-party specifically has additionally developed between ethnic strains and clashes in Bungoma, Mt. Elgon and Trans Nzoia. This was imperative to this work particularly on the Bukusu and Sabaot relationship during the pioneer time frame.⁹⁴

The investigation attempts to re-examine factors that added to the rise and fuel of between ethnic strains on account of the Bukusu and Sabaot between struggle. It further makes investigation into the job of cultural

⁹⁰*Ibid*, pp. 41-78

⁹¹*Ibid*, pp. 81-118

⁹²*Ibid*, Kakai, pp. 157-172

⁹³*Ibid*

⁹⁴*Ibid*, p.177

generalizations and scorn in connection to the subject of ethnic character and their impression of nationhood in the development of between ethnic clash.⁹⁵

Whereas Kakai acknowledges land as one of the factors triggering the Bukusu-Sabaot inter-ethnic tensions, the study fails to put the Bukusu -Sabaot inter-ethnic conflict into a historical perspective in a historical epoch which this study fills. The study also fails to recognize the instrumentalists and constructivists theories of ethnic conflicts by exploring the contemporary sociological conflict theory. It draws its findings on the conflict theory. Nonetheless, the study was important to this study especially on the aspect of societal stereotypes and hatred in the manifestation of the Bukusu-Sabaot inter-ethnic conflict. Even though Kakai's study was in some way significant to the current research, it fails to historically analyse the problem of land among the Bukusu and Sabaot in Mt. Elgon area, which is a major gap that this study focuses on addressing.

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.⁹⁶

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 in a social group. It is on conflict and what causes conflict in a particular society.⁹⁷ 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.⁹⁸

⁹⁵*Ibid*, p. 74

⁹⁶S.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

⁹⁷*Ibid*

⁹⁸*Ibid*, p.7

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.⁹⁹

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.¹⁰⁰

The study suggested that the government should speed up the resettlement of unlawful tenants in Chebyuk Phase III settlement schemes, re-open the schools still closed, recruit and post more teachers and lay out special funding to schools in the region to help them put back schools infrastructure ruined during clashes of 2006 to 2008.¹⁰¹

Expressly, the gravity of this study is irrefutable. the outcome of Mt. Elgon land clashes on education, even though, it fails to accommodate the Bukusu-Sabaot inter-ethnic relationships, as well as fail to situate the problem of land in a historical viewpoint which this study fills. It is also constricted on intra-ethnic conflict among the Sabaot. In addition, this study is selective on the Chebyuk settlement scheme which precludes other regions of Mt. Elgon area. It also fails to draw its conclusion on the instrumentalists and constructivist theories by utilizing conflict theory and scarcity theoretical perspective which this study seeks to fill.

⁹⁹*Ibid*, pp.47-69

¹⁰⁰*Ibid*

¹⁰¹*Ibid*

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 one state will automatically affect other states.¹⁰²

Ethnic land conflicts in Mt. Elgon area cannot be solved by the police. This is because police directives are inconsistent with other rulings like the Ndung'u report, issued letters of allocation and the Truth Justice and Reconciliation Commission findings. The security intervention is also muddled with selective implementation of eviction orders and the application of extra-judicial orders.

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 inconsistent 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 ineffective. This sometimes involved selective burning of homes and scattering their occupation. The poor suffer as the land grabbers are protected.¹⁰³

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 of land.¹⁰⁴ The study asserts that; over the years, corruption has seeped into most land transactions to an extent that ninety percent of the titles created in the last twenty years are illegal or irregular acquired.¹⁰⁵

¹⁰²Charles Wasike: *Mt. Elgon ethnic conflicts and the threat it poses to East African community's cohesion* (University of Nairobi; 2009); pp. 24-5

¹⁰³*Ibid*, pp. 91-3

¹⁰⁴*Ibid*, p.94

¹⁰⁵*Ibid*

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.¹⁰⁶

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.¹⁰⁷

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 this study.¹⁰⁸ 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 major reasons states forming international organizations is to enable them function effectively.¹⁰⁹

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.¹¹⁰ The study also affirms that;

¹⁰⁶*Ibid*, pp.94-95

¹⁰⁷*Ibid*

¹⁰⁸*Ibid*, pp. 95-96

¹⁰⁹*Ibid*, p. 98

¹¹⁰*Ibid*, p.98

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.¹¹¹

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.¹¹²

Although, it recognizes effects of the conflicts, the impression is widened at the state level. It also fails to draw its conclusion along the instrumentalists and constructivist theoretical framework by adapting 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. This study seems blind on the gravity of the conflict to the Bukusu and the Sabaot at the inter-ethnic level in Mt. Elgon area which this study fills.¹¹³

1.9.3 Causes of Ethnic Conflicts

Lyon attributes the collapse of national political order as the cause of the outbreak of inter-ethnic conflicts in Afghanistan. A variable, even if, is important to this study does not affect the cause of land in inter-ethnic conflicts which this study seeks to fill.¹¹⁴

¹¹¹*Ibid*, p. 99

¹¹²*Ibid*, pp. 45-71

¹¹³*Ibid*

¹¹⁴Lyon, P.D.S., *Op.cit*, p.304

Inman study holds that the main cause of inter-ethnic conflicts in Indonesia is as a result of the federal government intervention with force into inter-ethnic politics. This is not the case in Mt. Elgon area between the Bukusu and the Sabaot, where land is the cause of inter-ethnic feud.¹¹⁵

Asamoah's study even though identifies land as the cause of the conflict, it 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 Sabaots of Mt. Elgon area. This helped in understanding the nature of inter-ethnic 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, even if, the study fails to look into a historical analysis of land conflict and inter-ethnic relationship among the Nkonya-Alavanyo as the basis of the build of the conflict which this study fills.¹¹⁶

Lothe's study underscores the sharing of the national cake as the main cause of inter-ethnic conflicts in Burundi. It accounts for the rise of inter-ethnic conflicts in Burundi to disapproval in sharing of national resources.¹¹⁷ This study however accounted for land as the cause of the conflict between the Bukusu and Sabaot in Mt. Elgon area.

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.¹¹⁸ This was important to this study especially on physical challenges that affect security agents to respond to contingent services, even so, Warurii study differs with this study because land is chiefly affirmed as the main cause of the Bukusu-Sabaot inter-ethnic conflict in Mt. Elgon area.

¹¹⁵MollyInman., *Op.cit*, pp. 52-65

¹¹⁶ Asamoah, P.K., *Op.cit*, p.5

¹¹⁷ Lothe, E., *Op.cit*, pp. 56-7

¹¹⁸Warurii, F. K., *Op.cit*, pp. 31-32

Yattan's study highlights that the main cause of the Dassenetch and Gabbra inter-ethnic conflict in Marsabit County is competition over declining resources, which is the case in the Bukusu-Sabaot inter-ethnic conflict where land is the at the centre of endemic conflicts. The study divulges that inter-ethnic conflicts have had unconstructive upshot on communities' social structures, economies and political institutions. Cattle raiding, proliferation of small arms and light weapons are some of the pointers of the conflict. It is worthy to note that armed conflicts obstructed human development and annihilated livelihood. The aftermath of violence on the economy are poverty and other degrading situations such as hunger and malnutrition, unsafe water, lack of basic medical care, inadequate clothing and housing. While the after effects of the conflict in Marsabit County is important to this study, the study fails to identify land as cause of ethnic conflicts which this study seeks to fill.¹¹⁹

1.9.4 Causes of Ethnic Conflicts in Mt. Elgon Area

Imbuye's study highlights land as the main cause of the intra-ethnic conflicts among the Sabaot. Land has been at the heart of political competition in the area, the authorities' irresolution to the problem created room for the offensive reaction of Sabaot Land Defence Force (SLDF). Government intervention included the deployment of the army. Even so, Imbuye study concludes that the problem of land remains unsolved.¹²⁰ 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.¹²¹

Waithaka's study identifies ethnicity as the cause of the land conflicts in Mount Elgon area. However, it fails to investigate land as the independent variable as well as fails to draw its conclusion on the Bukusu-Sabaot 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 conflict.¹²² Khamala study basically sets to investigate the gender as the cause of the Bukusu-Sabaot inter-ethnic conflict. It fails to capture the centrality of land as the cause of the Bukusu-Sabaot inter-ethnic conflict which this study fills. It also fails to enact the conflict on the grounds

¹¹⁹Yattan D. Isacko., *Op.cit*, p. 96

¹²⁰Imbuye, B. *Op.cit.*, pp.109-146

¹²¹*Ibid*

¹²²Lucy Waithaka., *Op.cit*, pp. 44-63

instrumentalists and constructivists of ethnic conflict by using Spivak's subaltern theory. On the other hand, the study was important to this study because it examines how the Bukusu and Sabaot identities interact and mutually condition, augment, or challenge one another in the political-economic and social spheres thereby contributing to ethnic conflicts.¹²³

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 historical genesis of the problem in the pre-colonial, colonial and post-colonial eras which this study fills.¹²⁴

Ndiwa's study highlights land as the cause of the conflict in Chebyuk scheme and particularly its impact on education in the area; it fails to capture land as the cause of the conflict in the wider Mt. Elgon area which this study fills.¹²⁵ Wasike's study winds by reinforcing the issue of land as the main cause of the conflict, which was important to this study but, fails to chronologically cast the land conflict into historical epochs which this study seeks to fill.¹²⁶

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.¹²⁷

¹²³ Geoffrey Khamala., *Op.cit*, pp. 54-108

¹²⁴PiusKakai., *Op.cit*, pp. 157-172

¹²⁵ Ndiwa, S.M., *Op.cit*, pp. 47-69

¹²⁶GeoffreyWasike., *Op.cit*, pp. 45-71

¹²⁷Lyon, P.D.S., *Op.cit*, pp. 301

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.¹²⁸

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 conflict as the Alavanyo disputed the accuracy and legitimacy of the 1913 Gruner Map.¹²⁹ 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.¹³⁰

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.¹³¹

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

¹²⁸Molly Inman., *Op.cit*, pp. 52-65

¹²⁹ Asamoah, P.K., *Op.cit*, p.5 s

¹³⁰*Ibid*

¹³¹*Ibid*

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.¹³²

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 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 was important to this study because it relates with the report of 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 recommended for the amicably solution to the land question and compensation for the victims of human rights abuses and violation in Mt. Elgon area.¹³³

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.¹³⁴ 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 cause loss of essential workforce to generate adequate food production by various communities.¹³⁵

¹³² Lothe, E., *Op.cit*, pp. 45-65

¹³³ *Ibid*

¹³⁴ Warurii, F.K., *Op.cit*, p.32

¹³⁵ *Ibid*

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.¹³⁶ 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, a 'Peace and Reconciliation' meeting between the Gabra and the Dassenetch, mediation efforts have been initiated and sponsored by religious organization including the Catholic Mission 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 lasting solution as sporadic conflicts ensued thereafter.¹³⁷ 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 an conflict intervention mechanism the provincial 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.¹³⁸ Imbuye further state 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.¹³⁹This finding was

¹³⁶Warurii, F.K., *Op.cit*, p.143

¹³⁷Yattan D. Isacko.,*Op.cit*, p.103

¹³⁸Imbuye, B., *Op.cit*, p.136

¹³⁹*Ibid*, p. 136

important to this 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.¹⁴⁰

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 operational (aimed to solve immediate crisis) or structural (addressing the root causes of conflict) 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 case were the preserve of men.¹⁴¹ 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 conflict resolution between the Bukusu and Sabaot which included the use of prophets, eating of a dog, inter-marriage, trade and exchange of circumcisers.¹⁴² This conflict mitigation measures worked for a while and they were important in this study conflict mitigation 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 Bukusu-Sabaot inter-ethnic conflict, especially on solving the resettlement crisis in Chebyuk area.¹⁴³ On conflicts intervention, Wasike's study finds that even though police intervention brings tentative solutions but they are not objective

¹⁴⁰Lucy Waithaka., *Op.cit*, pp.44-63

¹⁴¹Geoffrey Khamala., *Op.cit*, pp. 54-108

¹⁴²Pius Kakai., *Op.cit*, pp. 78-79

¹⁴³Ndiwa, S., *Op.cit*, pp. 47-69

and such intervention are inconsistent with other commission and government report findings. This finding was important in this study in the Bukusu-Sabaot inter-ethnic conflicts.¹⁴⁴

It is instructive to note that, ethnic conflict has drawn immense interest from different disciplines in social sciences and disaster management. Nevertheless, many studies inquired into the ethnic conflicts have failed to trace the problem of land historically which this study filled, while those done in Mt. Elgon area failed to investigate the historical analysis of the land question in Bukusu-Sabaot inter-ethnic conflict which this study filled.

1.10 Research Design

Kothari, *et. al.*, (2014) 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.¹⁴⁵ This study used qualitative research design to assess the relationship between the Bukusu-Sabaot during the pre-colonial period, examine the Bukusu-Sabaot relationship in the colonial period and analyse the land question in the post-independence Bukusu-Sabaot inter-ethnic 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.¹⁴⁶

¹⁴⁴Geoffrey Wasike., *Op.cit*, pp. 45-71

¹⁴⁵Kothari, C.R. and Gaurav Garg: *Research Methods: Methods and Techniques, 3rdEd.* (New Delhi; New Age publishers); p. 1

¹⁴⁶B.LBerg and Howard Lune: *Qualitative Research Methods for Social Sciences, 8th ed.* (Boston: Person; 2012); p.3

1.10.1 Research Variables

The study looks at the Bukusu and Sabaot groups as main tool of analysis. In this study, they are categorized depending on where they have lived and their inter-ethnic 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.

1.10.2 Area of the Study

The study was carried out in Mt. Elgon sub-county in Bungoma County, Kenya. In a research conducted by Beatrice Imbuye, (2016), the area has arable land and enjoys two rainy seasons which are suitable for agriculture. The area is therefore considered a bread basket in Kenya because it also promotes trade between the region and neighbouring Uganda and South Sudan.¹⁴⁷

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.¹⁴⁸

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) and Wilberforce Bomet (2013 to present)¹⁴⁹

From the finding, it is certain that the political representation of the area has been ethnically influenced with all elected leaders since independence are 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 Sabaot leader.¹⁵⁰ Consequently, these crops of leaders have been instrumental in instigating the Bukusu-Sabaot inter-ethnic conflict as will be discussed in the next chapters.

¹⁴⁷Imbuye., B. *Op.cit*, p. 28

¹⁴⁸*Ibid*, p. 27

¹⁴⁹*Ibid*

¹⁵⁰Edward Wanyonyi, (*Bishop of the Hope and Light Christ Ministries, Kopsiro Church*), interviewed on 20/2/2019

Figure 1.0 shows the contested areas.

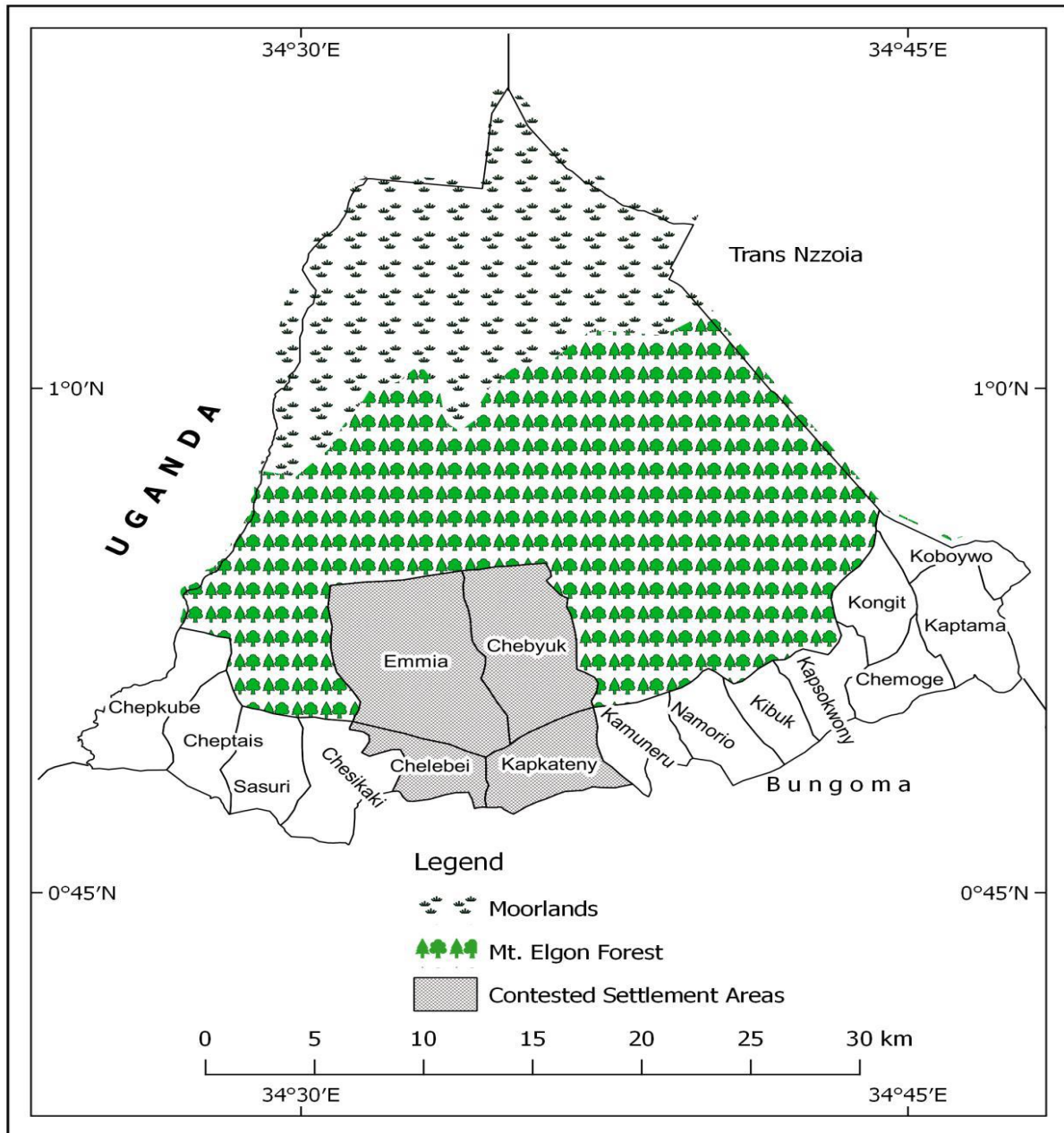


Figure 1: Map of Mt. Elgon Area Showing Contested Areas

Source: Imbuye (2016)

1.10.3 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

with the help of the research assistant used 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 Bukusus and Sabaots living in different divisions in the area. At least three Bukusus and three Sabaots were selected from each of the four divisions (Cheptais, Kaptama, Kapsokwony and Kopsiro) of Mt. Elgon area. 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, twenty four respondents were selected as a sample of the target population.

1.10.4 Data Collection Instruments

Interview schedules and open ended questionnaires were used to carry out the study according to the set objectives. The researcher used pens, notebooks and a tape recorder to record respondents' accounts. The study also used face-to-face interviews with politicians and government officials in the area.

1.10.5 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, writing down questionnaire and interview information from the respondents. Caution was applied to ensure Bukusus and Sabaots in different divisions of Mt. Elgon area are interviewed while taking into account 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.

1.10.6 Data Analysis

Taped 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 does not align with the confines of 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.

1.10.7 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.

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

CHAPTER TWO

BUKUSU-SABAOT RELATIONSHIP IN THE PRE-COLONIAL PERIOD

2.1 Introduction

There is a connection in content between this chapter and the previous that aptly illuminated the historical and geographical background of the Bukusu-Sabaot. Their relationship during the pre-colonial period and how these relationships contributed to the land question in Mt. Elgon area was also discussed.

The study by Imbuye (2016) 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.¹⁵¹The 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 is subdivided as follows.

2.2 Historical and Geographical Background

The following section presents the geographical orientation of the study area, in a bid to detail the relationship between the Bukusu and the Sabaot in the pre-colonial period.

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. It's natural caves give a scenic prospect for tourism, and is 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.¹⁵²

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

¹⁵¹Imbuye, B., *Op.cit*, p. 34.

¹⁵²Wanguhu, N. : *Kenyan Ethnic communities Foundation of the Nation* (Nairobi: Gatundu publishers; 2006); p. 8

hundred and ten metres altitude. It is located on the north of Lake Victoria.¹⁵³

A row on who originally tenanted the mountain has been inevitable, especially after Joseph Thompson ignited it by naming the mountain after the Kony, who are a subset of the Sabaot. Most of the Sabaot informers intimated that Mt. Elgon is named after the Kony – a Sabaot clan. This gives them the validity of occupancy.¹⁵⁴ Bukusu informants on the other hand, insist that the mountain was initially Mt. Masaba, in honour of their ancestor, authenticating their earliest inhabitancy.¹⁵⁵ Besides, the Bukusu-Sabaot inter-ethnic contest to control land, anchored on this study's theory of historical materialism 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.¹⁵⁶ This makes the area to be one 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. Soils are of dark red friable clays and sand clay loams which alternate with stony soils on higher ridges.¹⁵⁷

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.¹⁵⁸ 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

¹⁵³ Imbuye, B., *Op.cit*, p. 40

¹⁵⁴ Simon Ngeywa, (*Former Hunter in Kaptama*), interviewed on 12/3/2019

¹⁵⁵ John Musee, (*Former craftsman in Cheptais*), interviewed on 17/2/2019

¹⁵⁶ N. Wangahu., *Op.cit*, p. 8

¹⁵⁷ Kakai, P., *Op.cit*, p. 49.

¹⁵⁸ S.H. Ominde: *Land and population in Western district of Nyanza province*, (London: University of London; PhD thesis, 1963); pp. 77-78

unsuccessful respond to distress call.¹⁵⁹ 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 been debunked but remain the root causes of inter-ethnic conflict 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.¹⁶⁰

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 together confirmed the indigenous people's version. 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.¹⁶¹

This brings in this study theory of constructivism, which argues that ethnicity is the recent invention in Africa through the activities of colonialists and missionaries. An explorer, Joseph Thompson ignited a land dispute in Mt. Elgon area after naming the mountain after the Kony.¹⁶² This proposition has since given the Sabaots 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.

¹⁵⁹ Felix Kiprop, (*A student from Kopsiro*) interviewed on 23/2/2019

¹⁶⁰ John Wafula, (*A retired Army Officer from Kapsokwony*), interviewed on 9/3/2019

¹⁶¹ Kakai, P., *Op.cit*, pp. 46-7

¹⁶² *Ibid*, p.49



PHOTO1: Picture of the researcher taking a view of fertile soils of Mt Elgon area

2.2.2 The Background of Administration in Mt. Elgon Area

Administrative entities within this area have been created and re-structured a number of times by both the colonial governments and the post-colonial independence governments. At the outset, Mt. Elgon area was under the eastern province jurisdiction when the British declared a protectorate with the headquarters at Kampala. Subsequently, the area was transferred to the British East Africa protectorate (Kenyan colony) in 1902.¹⁶³ 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

¹⁶³E.M Aseka: '*Political Economy of Buluyia, 1900-1963*'(University of Nairobi: PhD thesis presented at Golf Hotel, Kakamega); p. 70

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.¹⁶⁴

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 administrative history of Mt Elgon, Pius Kakai wrote as follows. That, in the early-colonial period, Mt. Elgon was administratively a sub-location of North Nyanza until 1930 when the name used to refer to a location. In 1975 Mt. Elgon was elevated to a divisional status within Bungoma district. In 1993 the creation of Mt. Elgon district was publicly declared.¹⁶⁵

An informant account explains that the structuring and restructuring of the colonial boundaries in Mt. Elgon area created structural conflicts between the Bukusu and Sabaots. First, the boundaries were done without the consent of both communities. Secondly, Sabaots suffered most the imposition of foreign chiefs who either acted in cohort or favour of the Bukusu. This development created deep resented and hatred between the Bukusu and Sabaots. Instructively, during such period the Sabaots were forced to flee from their familial land to avoid particularly the despotic leadership of chief Murunga. This was a window of opportunity for the Bukusu who moved in and occupied their vacant land and even homes.¹⁶⁶

¹⁶⁴Imbuye, B., *Op.cit*, pp. 59-60

¹⁶⁵*Ibid*, p. 34

¹⁶⁶Simon Ngeywa., *Op.cit*

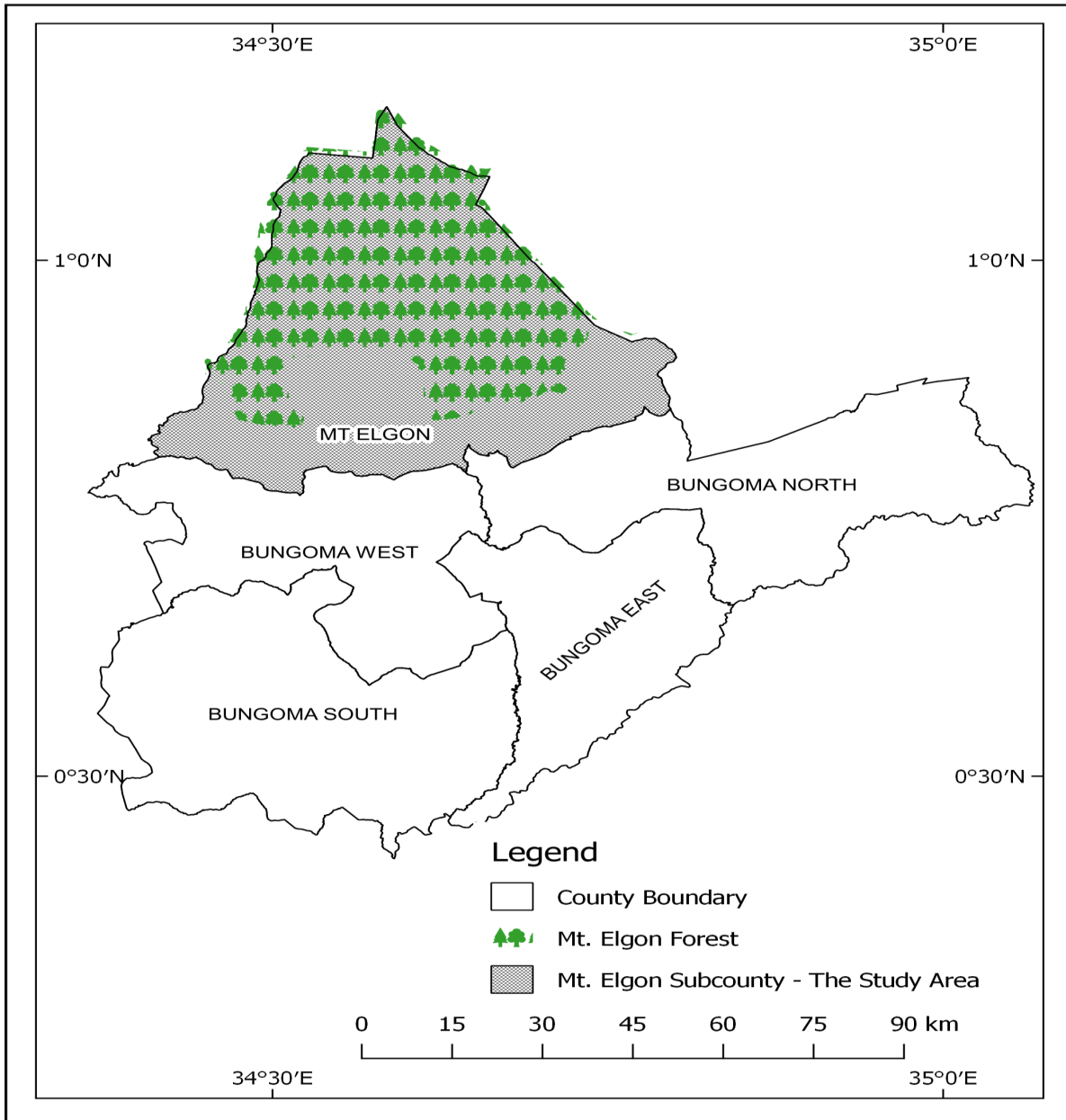


Figure 2: Administrative boundaries of Bungoma County showing the study area

Source: Imbuye, (2016)

2.3 The People of the Study Area

The following section presents the ethnic groups in 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 one time, *Babukusu* were referred to as '*Kitosh*' a name they dispute as misnomer. It is said that because of their ruthless methods of fighting the neighbouring Kalenjins communities called them, 'our enemies' *ketosh*.¹⁶⁷

An informant account confirmed that; the name *Ketosh/Kitosh* is derived from the Kalenjin neighbours who include the Sabaots. They named the Bukusu *Ketosh/Kitosh* from their accounts of warfare between the Bukusu and the Sabaots (Kalenjins).¹⁶⁸

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.¹⁶⁹ 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 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*.¹⁷⁰

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 Luyhas or not. Oral tradition has it that both Bukusu and *Bakisu* are the sons of Masaba. This

¹⁶⁷F. E. Makila: *An outline History of the Babukusu* (Nairobi: Kenya Literature Bureau; 1976); p. 31

¹⁶⁸Felix Kiprof, *Op.cit*

¹⁶⁹V. G Simiyu: *The Emergency of a Sub-Nation: A History of Bukusu to 1900' in ed.* (Nairobi: Were press; 1991); pp. 7-11

¹⁷⁰Kakai, P. *Op.cit.*, p. 54

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-tribe of the *Luhya* who inhabit Western Kenya. 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*.¹⁷¹

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 Nilo-Hamitic origin. The ‘thigh of an Elephant’ *lirango lienjofu*, used to mean a common descent and solidarity 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 *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*].¹⁷²

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 *Kalenjins* giving rise to the *Silikwa* people who were later assimilated by both the *Bukusu* and the *Kalenjins*.¹⁷³ Makila adds; 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.¹⁷⁴

¹⁷¹ Makila, F.E. *Op.cit*, p.46-7

¹⁷² *Ibid*, p. 55

¹⁷³ S. Wandibba: *Notes on the Oral History of the Abatachoni* (Nairobi: Staff Seminar notes at National Museum; 1983); p. 29

¹⁷⁴ Makila, F.E., *Op.cit*, p. 56

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.¹⁷⁵

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 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.¹⁷⁶

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, north-wards. They also appear to have come into 'light skinned folk' who altered their course of their migration.¹⁷⁷

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

¹⁷⁵ Makila, F.E., *Op.cit*, pp. 48-156

¹⁷⁶ Morgan W.T.W.,: *East Africa: Its people and resources* (Nairobi: Oxford university press; 1972); pp. 16-22

¹⁷⁷Wanguhu Ng'ang'a., *Op.cit*, p. 11

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.¹⁷⁸

Conversely, this study cannot dispute 'contemporary 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.¹⁷⁹

2.3.4 Migration and Settlement of the Bukusu

The following section traces the historical explanations of the communities under study. Bethwell 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.¹⁸⁰

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 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.

¹⁷⁸Makila, F.E., *Op cit*, p.135

¹⁷⁹ Carr, E.H.: *What is History* (New York: Vintage books; 1961); p.22

¹⁸⁰Bethwell 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

This study asserts that the Bukusu as a sub-section 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.¹⁸¹

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.¹⁸²

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.¹⁸³

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* (Nilo 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].¹⁸⁴ They again moved to *Sengeli* (Cherang'ani) here they flourished in their iron smelting. The area was littered with vitreous reeking waste (*Kamasengeli*), *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 *Barwa Bakinisu* who attacked them occasionally. The Bukusu got reinforcement from the Bamasaba who helped them drive *Barwa Bakinusu* to Namalo.

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

¹⁸¹ Morgan, W.T.W., *Op.cit*, p. 16

¹⁸² Wanguhu Ng'ang'a., *Op.cit*, p.11

¹⁸³ Makila, F.E. *Op.cit.*, p. 135

¹⁸⁴ Were, G. S.: *A History of the Abaluyia of Western Kenya 1500-1930*, (Nairobi: East African Publishers; 1967a); p. 43

Barwa Bakinisu and *Bakoyonjo*. They too tried to erect such structures and dropped big huts but *Barwa Bakinisu* attacked them frequently. *Bukusu* got help from *Bamasaaba*, they fought *Bakinisu* at Namanjala. They pushed *Bakinisu* down to the valley plains of *Namalo*.¹⁸⁵

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 Sengeli and Lelekwe and to Embayi (Mbale) while another fragment settled around *Lukulu Iwa Masaba* (Mt. Elgon). *Bukusu* wandered around the stretch on the eastern Uganda near the Kenya-Ugandan border around *Samoya* (Jinja). They later moved to *Mwalia* and to *Ebwayi*. *Mwalia* is believed to be Malakisi area in Kenya while *Ebwayi* is the area around Amukura in Teso district in Kenya.¹⁸⁶

From *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.¹⁸⁷ These areas include *Tabasya* (Eastern Uganda), Embayi (Mbale) where they lived together with *Basebeyi Bakinisu* (Elgon Maasai), *Bakisila* (Karamajong), *Bamarehe* (Turkana) and *Bakanulyungu* (Suk) whom they co-existed peaceful.

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*,

¹⁸⁵ Makila, F.E. *Op.cit.*, pp.136-9

¹⁸⁶ Wandibba, S. *Op.cit.*, p.29

¹⁸⁷ Were, G. S.: *Western Kenya historical Texts: Abaluyia, Teso and Elgon Kalenjin*, (Nairobi: Gideon Were Press 1967b);p .84

*Kabuchai, Mautuma, Naitiri, Muyayi, Mwikhupo, Siboti, Kamukuywa, Ndibisi and Nakalila.*¹⁸⁸

The establishment of colonial rule in Mt. Elgon area brought to an end migration and settlement of both the Bukusu and Sabaots in Mt. Elgon area. These points out the practicality of this study theory of constructivism. Colonial activities further created ethnic identities between the Bukusu and Sabaots through colonial land policies which will be discussed in the next chapter.

2.3.5 The Misri theory

Most 20th century scholars agree that the original home land of the Bukusu is ‘*Misri*’ just as the other Abaluhya. 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.¹⁸⁹

2.4.0 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 been linked with the *Sirikwa, Maasai and Bungomek* and *Kony* ancestry.

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.

Mt. Elgon being a dispersal point for many Kalenjin 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*),

¹⁸⁸ Makila, F.E., *Op.cit*, pp. 157-161

¹⁸⁹ Wanguhu, N., *Op.cit*, p.11

thus, it is likely that their faction may have made their way to Mt. Elgon area. The traceability of their assimilation is highly conceivable.¹⁹⁰

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.¹⁹¹

There exists a basis confirming the descent of the Kony to Mt. Elgon. This version goes that *King'oo* and his wife *Tamunae* are the Kony ancestors who bore the following children, *Kupsomek*, *Kongin*, *Kibok*, *Kumosop*, *Kipsengwer* and *Kibongoin*. The Bungomek's entrance into Bungoma and Mt. Elgon was through Bukusuland and in the present republic of Uganda. Some Bungomek are still in Bukusuland.¹⁹² As if to concur with this, Kakai noted that, the Sabaots are the authentic Kalenjin tribe commonly referred as "Kapkugo" by the other Kalenjin sub-tribes. Sabaot tribe is comprised of six sub-dialects namely: The *Pok*, *Somek*, *Mosopisek*, *Kony*, *Bungomek* and *Sabiny* (Sebei).¹⁹³

To this end, this current research contends that the Sabaots are a sub-tribe of the Kalenjin, and encompasses the following sub-groups; Kony, Bok, Bungomek, Samoek and the Mosopisek. Though, each Sabaot sub-group settled in the present day Mt. Elgon area at different time and place.¹⁹⁴

2.4.1 The Nilo-Hamitic theory

The following section presents a theoretical analysis of the Sabaot as a Nilo-Hamitic category as well as their historical origin. Sabaots as a dialect of the Kalenjin are 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 us the 'Nilo-Hamites'

¹⁹⁰ Kakai, P., *Op.cit*, pp. 60-62

¹⁹¹Were, E.M. and Amutabi, M.N: *Nationalism and Democracy: For people Centred Development in Africa* (Eldoret: Moi University press; 2000). P. 20

¹⁹²Ominde, S.H., *Op.cit*, p. 99

¹⁹³ Were and Amutabi., *Op.cit*, p. 20.

¹⁹⁴Kipkorir, B.E: *The Marakwet of Kenya* (Nairobi: East African Literature Bureau; 1973); p.73

or half-Hamites. The argument is that they demonstrate traces of the Hamitic influence in language and civilization.¹⁹⁵

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 Rudolf basin.¹⁹⁶

This study, however, does not refute the Nilo-Hamitic theory but argues in the strict sense that, while Nilotes and Hamites cross cultural interaction flourished throughout the migration period and settlement. It is therefore 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 observations may have influenced the categorization of the Nilotes as the Nilo-Hamites.¹⁹⁷

Makila while validating that African historiography is dotted with Eurocentric views asserting 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...¹⁹⁸

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 Bantus had the idea of livestock keeping, metal work and developed social structure before blending with the Nilotes.¹⁹⁹

Allan, Keith (2013) 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

¹⁹⁵Huntingford G.W.B: *The Northern Nilo Hamites: East Africa part VI*, (New York: Routledge, Taylor & Taylor Group; 1968); p. 14

¹⁹⁶Bethwell A. Ogot., *Op.cit*, p. 130

¹⁹⁷Mwanzi H.A: *A History of the Kipsigis* (Nairobi: Kenya Literature Bureau; 1982); p.167

¹⁹⁸ Makila, F.E., *Op.cit*. p. 2

¹⁹⁹ Morgan, W.T.W., *Op.cit*, p.16

Africa as pastoralists, bringing new customs, languages, technologies and administrative skills with them.²⁰⁰

This study holds that Sabaots 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 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 with clamour. Sabaots as a subset of the Kalenjins or the highland Nilotes trace their origin to the area vaguely referred to as the Rudolf basin, north-west of Lake Turkana (Rudolf), or Mt. *Kamalinga* about forty-five miles North West of Mount Elgon. Nonetheless, Huntingford contradicts this depiction owing to the area's propinquity to a lake called Camos, implicitly Lake Baringo.²⁰¹

Suffice to say, the origin of the Sabaot as the Kalenjin is the expanse sandwiching Lake Baringo and the Rudolf 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.²⁰²

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 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 and his family trekked to Mzee Nandebe's homestead, an area believed to be Cherang'ani. They pleaded with Mzee Nandebe to accommodate them and he obliged. Mzee Nandebe was a close friend to Mzee Sangura who

²⁰⁰Allan, Keith: *The Oxford Handbook of the History of Linguistics* (OUP Oxford; 2013); p. 275

²⁰¹ Were, G. S. (a)., *Op.cit*, p36

²⁰²Imbuye, B., *Op.cit*, p. 42

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 became 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.²⁰³

2.4.3 Migration and Settlement of the Sabaot

The Sabaots 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 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.²⁰⁴

It is not clear whether the remnants of the Kalenjin at Mt. Elgon area were Kony or Sabaots 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.

²⁰³ Benjamin Kirwa, (A farmer at Kaptama) interviewed on 18/2/2019

²⁰⁴ Were, G. S.(b),, *Op.cit*, p. 48

Elgon.²⁰⁵Pius 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 a hilly areas of Bungoma district.²⁰⁶

This description is traceable, but it would seem as if the *Kony*, *Bok*, *Somek* and the *Mosopisek* from the Rudolf 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.²⁰⁷Were'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 dispersal area by the Maasai to the neighbourhood of Broderick fall and *Kabras* in the *Buluyia* country.²⁰⁸

The *Kony* account rebut the *Silikwa* theory, speciously after migrating from Rudolf 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* elucidation relates with the larger Kalenjin version of Mt. Elgon break up leaving them behind. Makila contributed that the Sabaots stayed in *Embayi* for a long time, enjoying long spells of peace and friendship with neighbouring *Bakisila* (Karamajong), *Basebeyi*, *Bakinisu* (Elgon Maasai), *Bamarehe* (Turkana) and *Bakanulyungu* (Suk)...²⁰⁹

Makila's version gives the impression that those Sabaots 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

²⁰⁵ Kakai, P., *Op.cit*, p. 64

²⁰⁶*Ibid*

²⁰⁷*Ibid*

²⁰⁸ Were, G.S.(a)., *Op.cit*, pp. 49-50

²⁰⁹ Makila, F.E., *Op.cit*, pp. 136-9

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 Rudolf basin, one faction moved and settled on Mt. Elgon and the other inhabited the Uasin Gishu plateau, before breaking away to Uganda and Mwalie areas before moving back to Mt. Elgon area.

2.5. The Impact of Migration and Settlement on the Land Question

This study applies the occupational approach that is advanced by Bethwell A. Ogot to lay bare the land contest in Mt. Elgon area during the age of migration and settlement. In this approach, Ogot espouses how the agriculturalists drove away the food hunters and gathers to occupy the East African area, which was later, encroached on by an influx of the pastoralist in the area who overpowered the agriculturalists and forcibly displaced them from the area. This view fuse with this study theory of instrumentalists which espouse group interests in the manipulation of ethnicity, since the agriculturalists are superior to the food hunters and gatherers. They dispossessed them land which is their primary means of production, but before long, the pastoralists who are more superior to the agriculturalists arrived and dispossessed the agriculturalist land which was also their primary means of production as their grazing fields. At some point the pastoralists and the agriculturalist co-existed side by side attacking and counter-attacking each other in their contest to control the means of production.²¹⁰

The Bukusu are largely agriculturalists from their proto-Bantu background, available substantiation confirms the Bukusu as earliest inhabitants of Mt. Elgon area. The Sabaot incursion pushed them away from the area. Were confirms this;

According to La Fortaine it would appear 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. The tradition of the Abaluyia seems to give a clearer view of what probably took place. According to these, the *Bagishu*, *Bamasaba* and the *Bukusu* were originally a united community in a country identified as 'Misri' (Egypt) through Abyssinia (Ethiopia) to modern Uasin Gishu Plateau (i.e. Silikwa or Embayi of the traditions). Attacks from the Nilo-Hamitic Marakwet, Elgeyo, and Maasai, Uasin Gishu, Maasai, Turkana and the *Nabibia* (Abyssinians) forced them to

²¹⁰Bethwell A. Ogot, *Op.cit*, pp.126-128

Elgon and Bugishu region where they settled and gradually expanded and dispersed in their present respective territories.²¹¹

From the foregoing, the Sabaot (Kalenjin) invasion of the Uasin Gishu plateau from the Rudolf basin hard-pressed the Bukusu to Mt. Elgon area. This was not long after the Bukusu had established at Mt. Elgon area the Sabaot (Kalenjin) migration from the Uasin Gishu plateau then pushed them to eastern Uganda to areas of *Embayi*. It is certain also that the Kalenjin who moved directly from Rudolf basin to Mt. Elgon area dislodged the Bukusu from Mt. Elgon area. This supposition forms the very first account of Bukusu-Sabaot inter-ethnic land conflict in Mt. Elgon area. Were and Amutabi confirms this about the Bukusu;

The earliest known immigrants who arrived by about the beginning of the 16th Century moved Elgon area immediately from the eastern plains. Their earlier home was in the present day Uasin Gishu plateau. They apparently settled there after an earlier migration from the north in the direction of Ethiopia...at first the migrants seem to have been forced by their enemies into the foothills and lower slopes of Mount Elgon. From there, they were driven further into the higher regions of the mountains by continuing attacks from the Ethiopians and neighbouring peoples. In due course, they expanded into the surrounding plains. This process was speeded up during the early years of British rule when Teso hostility was kept under control by the colonial government.²¹²

The Bukusu wandered around the inter-lacustrine area between Kenya and Uganda because of the pastoralist expansions and superiority. From Mt. Elgon the Bukusu were forced into the current eastern Uganda in the areas of *Embayi*, the nearby Mbale in Uganda.²¹³ G.S. Were, shades more light on this;

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

²¹¹ Were, G.S.(a)., *Op.cit*, p. 43

²¹²Were and Amutabi., *Op.cit*, P. 68

²¹³*Ibid*

westwards through the southern foothills of the mountain. After many years both of them settled at Bugishu.²¹⁴

From the foregoing, it seems probable that from *Silikwa*, the *Bukusu* settled briefly around Mt. Elgon area, but invariable attacks and counter-attacks from the Kalenjins (Sabaots) pushed them to eastern Uganda, as others retraced back to *Silikwa* (Uasin Gishu plateau) before wandering back to eastern Uganda where all groups re-united.

This study therefore submits that migration and settlement of the Bukusu and the Sabaot in Mt. Elgon area pioneered the land question in Mt. Elgon area. Both the Bukusu and Sabaot lay claim as the original occupants of Mt. Elgon area. It also affirms that their migration and settlement conflicts in Mt. Elgon area were informed by the need to control land as their primary means of production.

2.6 Socio-political and Economic Contact in Pre-colonial Period

Both Ogot and Seligman are the proponents of the idea that agriculturalist enlightened and civilization have been pastoralists influence. Seligman idea puts the Hamites influence on the Nilo-Hamites who in turn disseminate the culture to the Bantus whom they interacted and easily displaced. Ogot shares this deduction in his occupational approach.²¹⁵ 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.²¹⁶

Apparently, from the foregoing, the Bukusu socio-political and economic structures and organization could have been the Sabaot (Kalenjin) influence.²¹⁷ Nevertheless, obtainable evidence indicates otherwise in some cases, putting the presumption into inquiry. Morgan,

²¹⁴ Were, G.S.(b)., *Op.cit*, pp. 87-88

²¹⁵ Huntingford, G.W.B., *Op.cit*, p.1968

²¹⁶ Betwell A. Ogot., *Op.cit*, pp. 128-9

²¹⁷ Wagner, G: *The changing family among Bantu of western Kenya* (London: Oxford University press; 1949); p.12

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...²¹⁸

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

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

Due to their nomadic nature as pastoralists, Sabaots did not observe burial rites, inter-marriage and settled life. Sabaots 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.²¹⁹

Contrarily, the Bukusu observed burial rites as well cared for the sick. Their settlement illustrated established life. They build homesteads as well as 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.²²⁰

Later the Sabaots 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

²¹⁸Morgan, W.T.W., *Op.cit*, p. 16

²¹⁹ Makila, F.E., *Op.cit*, p. 42

²²⁰*Ibid.*, p. 42-3

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.²²¹

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 can not 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 stores 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.²²²

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 Sabaots were neighbours and raided and counter each other for livestock. Makila confirms this;

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.²²³

This study therefore affirms that, the *Silikwa* 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*

²²¹*Ibid*, p. 37

²²²Kakai, P., *Op.cit*, p. 64

²²³ Makila, F.E., *Op.cit*, p. 62

(Uasin Gishu plateau). An informant confirmed the adoption of the burial rites by the Sabaots 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.²²⁴

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 *Barwa* invasion. This clearly indicates a history of Bukusu-Sabaot inter-ethnic conflict. The Sabaots adopted this art from the Bukusu from their experience of inter-ethnic conflict with the Bukusu.²²⁵ The burying of the dead had a significant implication to the land, among the Bukusu, where your ancestor was buried is your ancestral land. This culture was effectively transmitted to the Sabaots, who not only started to adopt sedentary lifestyle but also buried their dead.

This culture among the two communities subsequently contributed to inter-ethnic land conflicts in Mt. Elgon area.²²⁶ One incredible influence the Sabaot had on Bukusu is initiation. Even though female clitoridectomy was also propagated, the victims were either forced on marriage grounds or they had Bukusu-Sabaot inter-marriage backgrounds. Clitoridectomy according to one Bukusu informant did not impress the Bukusu.²²⁷ 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.²²⁸ 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.²²⁹

An informant avowed that female circumcision was traditionally believed among the Sabaots 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

²²⁴Jacob Namunyu, (a Retired Village Elder at Cheptais), interviewed on 19/2/2019

²²⁵Simon Ngeywa., *Op.cit*

²²⁶Jacob Namunyu., *Op.cit*

²²⁷Geoffrey Khamala ., *Op.cit*, p.83

²²⁸Electina Nasimiyu, (a former councillor in Kapsokwony), interviewed on 7/3/2019

²²⁹ Khamala, G., *Op.cit*, p. 83

to have more than one husband and promiscuity was abhorred, ridiculed and restricted.²³⁰ Khamala states that; female circumcision is believed to annul or moderate sexual desires in women. However, findings indicate that there is no difference between a circumcised woman and uncircumcised one in terms of pleasure, frequency of sexual activity and the numbers of partners.²³¹

From the foregoing it seems that the society's perception of the culture among the Sabaots was twofold. Those who believed it worked to control promiscuous tendencies and those who disputed its applicability as a sexual restrictive measure.²³² 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.²³³ On clitoridectomy, Khamala asserts that, female circumcision also reduces penile sensitivity in men and weakened vulva of the female sex organ and circumcised women can suffer from urinary tract infection and pose risk to Human Immunodeficiency Virus (HIV) infection to the candidates.²³⁴

An informant account confirmed that inter-marriage between the Bukusu and Sabaots men flourished. It was however, the Sabaots who mostly married from the Bukusu. This kind of marriage triggered inter-ethnic tension among the Bukusu and Sabaots. As some of the Bukusu women were forced to undergo clitoridectomy.²³⁵ 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.²³⁶

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.

²³⁰Felix Kiprop., *Op.cit*

²³¹ Khamala., G. *Op.cit*, p. 83

²³²*Ibid*

²³³ Electina Nasimiyu., *Op.cit*

²³⁴ Khamala., G. *Op.cit*, pp. 94-96

²³⁵Simon Ngeywa., *Op.cit*

²³⁶ Khamala., G. *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.²³⁷

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 *Barwa Bakinisu* – the Maasai. However, what is clear and confirmed by informants is that while living at *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 account killing the reptile was impossibility, it was an incidental marriage proposal rejection by the bride's parents. The account goes that, Mango was strong and courageous and did not flinch to hand 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 practice.²³⁸

Makila confirmed that, following Mango's public circumcision, it became mandatory for every male person to be circumcised publicly. The clans who were conservative were pushed away and went to live around *Ebuserema*, *Ebunyole* and *Ebunyala*.²³⁹

An informant account confirms that for a long time now, the Sabaots have invited the Bukusu traditional circumcisers to initiate their boys as a sign of connection of the culture.²⁴⁰Following

²³⁷ Makila, F.E., *Op.cit*, pp. 144-154

²³⁸ John Musee, (*A retired craftsmen in Cheptais*), interviewed on 17/2/2019

²³⁹ Makila, F.E., *Op.cit*, p. 157

Mango's actions, Makila notes that, from that occasion the neighbouring *Barwa* became amenable to Babukusu and often exchanged visits. Bukusu circumcision 'doctors' (operators) were at times invited to go and circumcise *Barwa* and vice versa.²⁴¹

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 at 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 Sabaots.²⁴²

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 Sabaots, this cultural responsibility is still very rife among the Sabaots. Such warrior orientation has contributed immensely to the Bukusu-Sabaot inter-ethnic conflicts in Mt. Elgon area.²⁴³

Kakai explains that as a conflict resolution mechanism, the Bukusu and Sabaots exchanged circumcisers often. This was a peaceful gesture among the two communities.²⁴⁴

Historical chapters are strewn with Bukusu-Sabaot inter-ethnic 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

²⁴⁰Kennedy Ndiema, (NGO worker, Saferworld from Kapsokwony), interviewed on 12/3/2019

²⁴¹ Makila, F.E., *Op.cit*, p. 43

²⁴²Kiprop, F., *Op.cit*

²⁴³*Ibid*

²⁴⁴Kakai, P., *Op.cit*, pp. 78-79

chronic, virtually all the remaining clans of *Babukusu* abandoned *Silikwa* and fled to join their tribesmen.²⁴⁵

This study holds the Bukusu and Sabaots 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 Sabaots used land for as 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.²⁴⁶

2.6.2 Bukusu-Sabaot Inter-Ethnic Political Relationship during the 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 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 to 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 threatening the lives of the entire community, animals 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 (*Omukasa*), *muusi* ordered that the strangers be brought before him at once. They were eight people at all, 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

²⁴⁵*Ibid*, p. 39

²⁴⁶Khamala, G., *Op.cit*,p.73

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.²⁴⁷

The idea of *Omukasa* among the Bukusu indicates an established political structure; still the idea of circumcision and warrior establishment by the Sabaot had an impact on Bukusu strengthened militarism and political establishment. An informant shares that before the initiates graduated to manhood among the Sabaot they were introduced to the *lion*, they had to come face the lion. This was expected to instil valour among the warriors.²⁴⁸

Khamala reiterates this; the Bukusu and the Sabaots communities have different symbols, the dogs are normally sacrificed for peace making between enemy communities and for the clans within them. The leopard and lion are symbolic representation of the struggle between women and men. Boys are introduced to the lion and girls the leopard.²⁴⁹

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.²⁵⁰

This study contends that while the Bukusu had established political structures, their contact with the Sabaots enhanced them further through adoption of Sabaot aspects of political structures like the institution of warriors. Bentley expounds on that; as cultivation and herding spread

²⁴⁷*Ibid*, p. 42-43

²⁴⁸Mercy Chebet, (a CBO leader from Kopsiro), interviewed on 22/2/ 2019

²⁴⁹ Khamala, G., *Op.cit*, p. 71

²⁵⁰ Ogot, B.A., *Op.cit*, p. 126

throughout sub-Saharan Africa, agricultural people built distinctive societies and cultural traditions. Most Bantu lived in communities of few hundred led by chiefs.²⁵¹

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 ideas between the Bukusu and the Sabaots;

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.²⁵²

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 clans.²⁵³

Inside *lukoba* a hierarchy of command was easily 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*, Sabaots reinforced their political organization through living and fencing of homesteads of about one hundred people which may have been revolutionized the Bukusu.²⁵⁴

The enhanced political organization among the Bukusu and Sabaots increased the aspect of warfare among the two communities. It was easy to mobilize and organize warriors through established political systems.²⁵⁵

²⁵¹Bentley, Herbert and Street-Salter: *History of world civilization to 1500, volume 1: 2nd ed.* (New York: Mc Graw hill; 1976); p.43

²⁵² Khamala, G., *Op.cit*, p. 73

²⁵³Imbuye, G., *Op.cit*, p. 125

²⁵⁴Kakai, P., *Op.cit*, p.64

²⁵⁵ Electina Nasimiyu., *Op.cit*

2.6.3 Pre-Colonial Bukusu-Sabaot Inter-Ethnic Economic Relationship

Although is an open field for inquiry, available evidence especially from archaeologists credit the Bantus for the spread of cereal agriculture in the sub-Saharan Africa. This was characterized by their patterns of migration. They settled in area 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.²⁵⁶

The Bantu spread cereal agriculture to the pastoralist communities they came into contact with, they came into contact with Hima, Bachwezi, Maasai and Somali in east, central and southern Africa. Bentley, *et.al*, wrote, among the most important effects of Bantu and other migration was the establishment of agriculture societies throughout most of sub-Saharan Africa...cultivators extended the cultivation of yams and grains deep into east and South Africa.²⁵⁷

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.²⁵⁸ 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.²⁵⁹

An informant intimated that Sabaots 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.²⁶⁰ 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

²⁵⁶Bentley, Herbert and Street-Salter., *Op.cit*, p. 41

²⁵⁷*Ibid*, p. 43

²⁵⁸ Ogot, B.A., *Op.cit*, p.127

²⁵⁹*Ibid*

²⁶⁰Patrick Kiprop, (a former councillor for Kaptama) interviewed on 16/2/2019

increasingly adapt cultivation of fertile foothills of Mt. Elgon. They planted tobacco, potatoes, bananas, millet and sorghum.²⁶¹

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. But, famine and rinderpest forced them to become accustomed to farming which they adopted from the Bukusu. Sabaots were buying *biakhulia* (food) from the Bukusu. They brought (*Bitasia*) – *Chinengo* (Baskets) and Bukusus traded them with *Kamaindi* (maize).²⁶²

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 Sabaots initially.²⁶³ But later, during their raids and counter-raids, the Bukusu had amassed livestock even to the envy of the Sabaots. 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.²⁶⁴

Even if it is an 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

²⁶¹Kakai, P. *Op.cit*, p. 65

²⁶²Julius Wangila (a church leader from Kaptama), interviewed on 29/2/ 2019

²⁶³Electina Nasimiyu., *Op.cit*

²⁶⁴ Makila, F.E., *Op.cit*, pp. 39-41

had the idea of iron smelting which enabled them to clear the thick forests for cereal agriculture and pave way for migration.²⁶⁵

Nonetheless, a contradiction 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 by the later invaders 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.²⁶⁶

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*)²⁶⁷

It will seem possible that the Bukusu who contacted with Meroe people while migrating 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.²⁶⁸ Definitely, the Bukusu influenced the Sabaot on the art of iron smelting in Mt. Elgon area. Jackson notes that; in *Kitosh* (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...²⁶⁹

²⁶⁵Morgan, W.T.W., *Op.cit*

²⁶⁶ Ogot, B.A., *Op.cit*, p, 128

²⁶⁷ Makila, F.E., *Op.cit*, pp. 134-142

²⁶⁸Makila, F.E.,*Op.cit*, p.135-137

²⁶⁹Jackson, F : *Early Days in East Africa* (London: Dawsons of pall Mall; 1969); p. 231

A Bukusu informant account confirmed the art of iron to be 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 fire. After a considerable time, iron came out of the *Burare* (It was called *sichuma sipotole*). What remained was called *Kamasengeli*.²⁷⁰ A Sabaot informant also confirmed this practice among the Sabaot.²⁷¹

The art of iron working was vital in shaping the Bukusu-Sabaot inter-ethnic conflicts in Mt. Elgon area. Weapons (*Kafumo* and *Lisakhila*) were produced among the Bukusu, the Sabaots also developed arrows through this technique. This weaponry technique ensured a sufficient supply of weapons during inter-ethnic conflicts in Mt. Elgon area.²⁷²

2.7 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 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.

Kakai elaborates more on this;

Inter-ethnic relations can partly be determined by analysing aspects of languages spoken by communities under study. Subsumed 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.²⁷³

²⁷⁰John Musee., *Op.cit*

²⁷¹Simon Ngeywa., *Op.cit*

²⁷²John Musee., *Op.cit*

²⁷³ Kakai., P. *Op.cit*, p. 70

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 palpable 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.²⁷⁴ 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.²⁷⁵ 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 Century, the volume of exchange commodities increased with use of pack animals-such relations bred violent confrontation.²⁷⁶

The Bukusu-Sabaot borrowed words indicate their encounter during raids and conflicts. For example, the Sabaots say *Khusera* and a similar word among the Bukusu is *seat* meaning raid.²⁷⁷

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.²⁷⁸ The terms vary

²⁷⁴Ehrest, 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-5thJanuary); p.129

²⁷⁵Margret Nakhone, (a Retired police woman from Kopsiro) interviewed on 30/2/2019

²⁷⁶ Kakai, P., *Op.cit*, p. 72

²⁷⁷*Ibid*, p. 71

²⁷⁸Patrick Wekesa, (a trained teacher from Kopsiro), interviewed on 21/2/2019

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 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 mocked especially through circumcision songs.²⁷⁹ Kakai argues that ...subsumed in languages are cultural facets that can lead to coalescence or divergence.²⁸⁰

The culture of age set system has continually contributed to war fare between the Bukusu and Sabaots because it systematically produce initiates who graduate into warriors making a cycle of inter-ethnic conflicts between the two communities.²⁸¹ Khamala asserts that; codification of experience into symbols, myth and ritual possibly reinforces the separateness of the Bukusu and Sabaot communities and reinforce conflict among them.²⁸²

Informant accounts confirms that the Bukusu refer to the Sabaots as *Omuyobo* meaning stubborn while the Sabaots call the Bukusu *Nomindeet* meant to belittle the Bukusu. The Sabaots also refer to the Bukusu as *lamék* meaning aliens. To ascertain the historical warfare among the two

²⁷⁹Patrick Kiprop., *Op.cit*

²⁸⁰Kakai., *Op.cit*, p. 69

²⁸¹Patrick Kiprop., *Op.cit*

²⁸²Khamala., *Op.cit*, p. 54

communities, the Sabaots referred to the Bukusu as *Ketosh* meaning ruthless people, while the Bukusu refer to the Sabaots as *Barwa* meaning fighters. This is informed by the fact that the two communities fought from time to time.²⁸³

2.8 Contribution of Bukusu-Sabaot Relationship to the of Land Question

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. Elgon area. This was possible because the Sabaots 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 gradually encroachment on the Sabaot land. With this encroachment, there was freed another opportunity of interaction and cross-fertilization of ideas.²⁸⁴

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 Sabaots whose source of livelihood did not guarantee them food supply throughout the year. This brings in this study the Theory of Historical Materialism. Informant's account confirms that the Bukusu used to employ Sabaots as herders in their home. The informant revealed that the Bukusu-Sabaot relationship was still frosty. The Bukusu nicknamed the Sabaots *Omuyobo* to describe the unintelligence way they speak. Sabaot in turn viewed the Bukusu as *lamek* meaning enemies, 'poor' people or aliens.²⁸⁵ Due to their livestock wealthy the Sabaots were considered wealthier than the Bukusu. This social relationship 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.

²⁸³Simon Ngeywa., *Op.cit*

²⁸⁴Kakai., P., *Op.cit*, p. 68

²⁸⁵ Khamala., G., *Op.cit*, p.72

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

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.²⁸⁶

An informant explained how the Sabaots willingly gave the Bukusu land in areas that were infested with Warthogs *Chimbichi*; this demonstrates how the Sabaots were not genuine. However, the informants explains 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; Bukusus were more skilled in hunting them than the Sabaots. 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.²⁸⁷

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 Sabaots has a cultural and economic values that makes it the most contested resource.²⁸⁸

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 aspects of land, it also imparts in the initiate the spirit of defending land as a cultural heritage among the Bukusu and the Sabaots.²⁸⁹

²⁸⁶Kakai, P., *Op.cit*, p. 68

²⁸⁷Kennedy Ndiema.,*Op.cit*

²⁸⁸ Khamala, G., *Op.cit*, p.73

²⁸⁹Patrick Kiprop., *Op.cit*

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 Sabaots, a cultural responsibility that is still very rife among the Sabaots. Such warrior orientation has contributed immensely to the Bukusu-Sabaot inter-ethnic conflicts in Mt. Elgon area.²⁹⁰

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 affirmed that, the naming of Mt. Elgon after one of the Sabaots clans contributed to the land question in Mt. Elgon area. While the Sabaots draw audacity to this development to claim Mt. Elgon area as their ethno-territory, the Bukusu on their part refute this and insists that Mt. Elgon area is their ethno-territory and that their native name of the mountain is Mt. Masaba, named after their ancestor.

The Chapter also discussed that reliable rainfall and fertile soils made land in Mt. Elgon area arable and conflictual during the Bukusu-Sabaots inter-ethnic conflicts in Mt. Elgon area. 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.

The Chapter established that during initiation boys were socialized to defend the community among the Bukusu and Sabaots. 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 conflict resolution mechanism, both the Bukusu and Sabaots 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 also reiterated that the culture of homestead fencing spread across the Bukusu and Sabaots was an indication of sporadic inter-ethnic conflicts between the Bukusu and Sabaots;

²⁹⁰*Ibid*

homestead fencing was a security strategy to avoid enemy ambush. Originally, it was a Bukusu idea which eventually spread among the Sabaots.

The Chapter also found that 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 Sabaots. The borrowed words among the Bukusu and Sabaots indicate their encounter during raids and inter-ethnic conflicts. Among the Sabaots 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 and discusses the aspects of the Bukusu-Sabaot relationship during the colonial period and its contribution to the land question in Mt. Elgon area.

CHAPTER THREE

BUKUSU-SABAOT RELATIONSHIP IN THE COLONIAL PERIOD

3.1 Introduction

This Chapter illuminates the relationship that existed between the Bukusu and the Sabaot during the colonial period. The following are the sub-sections build this discourse.

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.²⁹¹ Africa became a casualty in the last decade of the 19th century of European intrusion. Colonies were seen as assets ‘balance of power’ in negotiations of useful items of exchange at times of international bargaining.²⁹²

The Berlin Conference of 1884-1885, regulated European colonization and trade in Africa, it is often referred to as the ultimate point of the scramble for Africa.²⁹³ As a result Kenya became a sphere of influence of Britain. Kising’ani writes; Kenya before 1895 did not exist, the 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.²⁹⁴

The British had vested interest in Uganda; they wanted to safeguard the source of River Nile which was a lifeline to the Egypt and to exploit its economic viability. Kenya was the gate way to Uganda thence both Kenya and Uganda were strategic for the British.²⁹⁵ Were in his study writes, the British contact with Mt. Elgon area dates back into 1883, when Scottish explorer and

²⁹¹Emory R.J: *History of Domestic and Foreign Commerce of United States*, (Washington DC: Carnegie institution of Washington; 1915); p.37

²⁹²Cowie, H.S: *Imperialism and Race Relations*, Revised edition, (Melbourne: Nelson; 1982); p.433

²⁹³Brantlinger, 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

²⁹⁴Kising’ani, E: *Rethinking Frantz Fanon in the context of Kenyan Decolonization Experience 1985-1992*, (Kenyatta University; 2003): P. 55.

²⁹⁵Omwoyo, S: *The Agricultural Changes in Kipsigis Land c-1894-1963: a historical Inquiry*. (Nairobi: PhD Thesis; Kenyatta University; 2003); p.100

adventurer Joseph Thompson and Martin J., passed through Mt. Elgon on their way to Uganda.²⁹⁶

As previous mentioned, Thompson contribution to the land question in Mt. Elgon is associated with this journey. He named the Mt. Elgon, or *El Kony*, this has since given the Sabaot legitimacy of the area. However, the Bukusu had named it Mt. Masaba before the arrival of the Europeans; Thompson 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 (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.²⁹⁷

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 signing the treaty with *Kirwangindet* Kimingichi of the Bok in Mt. Elgon in February 1890.²⁹⁸ 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.²⁹⁹ The activities of Thompson and Jackson demonstrates the practicability of this study theory of constructivists, Fredrick Jackson created a structural conflict between the Bukusu and Sabaots, the signing of the treaty gave the Sabaots 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 were defied colonial subjugation.³⁰⁰ Makila shares that; the British colonial administration demanded that Babukusu stop fighting other communities surrender the guns in their possession, hands over any deserters, accept British rule and provide labour for public works.³⁰¹

²⁹⁶Were, G.S (1967a)., *Op.cit*, p. 156

²⁹⁷ Makila, F. E., *Op.cit*, 157

²⁹⁸Kakai, P., *Op.cit*, p. 85

²⁹⁹Simon Ngeywa., *Op.cit*

³⁰⁰Kakai, P., *Op.cit*, p.87

³⁰¹ Makila, F. E., *Op.cit*, 157

The Bukusu refused to comply with colonial hegemony even though they ceded holding deserters 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 Sabaots 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 fugitives flee to their present settlements. The invasion also debilitated the Bukusu aptitude to strike back.³⁰²

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. Ansonge 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.³⁰³

An informant account indicates that the fall of Lumboka fort marked the introduction of colonial administration in Bukusu land. The Lumboka invasion strained the Bukusu-Sabaot relationship even further. The Bukusu lost their glory and wealthy because of the Sabaots who fought the Bukusu alongside the colonial troops and other mercenaries.³⁰⁴

3.3 The Colonial Administration in Mt. Elgon Area

The urgency to protect 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.³⁰⁵ The race to acquire colonies in Africa pitted European nation states at a logger head. The Berlin Conference was convened in Berlin to share colonies in Africa amicably to avoid military conquest amongst

³⁰²Mutoro, H.W, *The Abaluhya Reaction to Colonial Rule: 1880 to 1930* (Nairobi: Department of History; Kenyatta University; 1976); p.7

³⁰³ F. E. Makila., *Op.cit*, pp. 88-89

³⁰⁴Jacob Namunyu., *Op.cit*

³⁰⁵Imbuye, B., *Op.cit*, p.56

Europeans.³⁰⁶ The British had to declare Kenya their sphere of influence in what Mazrui says; ...a desire to satisfy the British quest for bread and butter³⁰⁷

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.³⁰⁸

The British established a protectorate with its headquarters in Kampala Uganda and the modern western province became its eastern province 1894-1902, eastern province stretched to the Naivasha in modern Kenya before it was repositioned to the British East Africa protectorate, the infamous Kenyan colony in 1902.³⁰⁹ 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 Kalenjin and ilchemus.³¹⁰

Thus, in 1908, Mumia together with Murunga accompanied the then acting District Commissioner (DC) of North Kavirondo to partition Buluyia into eight administrative locations.³¹¹ They included Butso, Kabrasi, Marama, North Kitosh, Nabakholo, Samia, South Bukusu and Wanga. Some of the borders disgruntled the local communities, later evolving into seeds of resentment against the Wanga.³¹² An informant account confirmed that Mt. Elgon area was part of *North Kitosh* location under Chief Murunga, the brother of Nabongo Mumia; in fact the Sabaots misconstrued Murunga to be a Bukusu.³¹³

³⁰⁶Mazrui, A.A: *The Imperial Fragmentations: The Legacy and Racial conflict* (Denver: Colorado University of Denver; 1969) p.8

³⁰⁷*Ibid*

³⁰⁸Kakai, P., *Op.cit*, pp. 83-84

³⁰⁹Aseka, E.M., *Op.cit*, p.152

³¹⁰ Kakai, P., *Op.cit*, p. 85

³¹¹*Ibid*, p. 96

³¹²Were, G. S(a), *Op.cit*, p. 167

³¹³Jacob Namunyu., *Op.cit*,



Figure 3.1: The map of British East Africa before 1900

Source: Google

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 Wanga with presumptions that Nabongo wielded power in the entire *Buluyia* 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.³¹⁴ In April 1902, Mumia received official appointment as the chief of *Buluyia* under the Headman ordinance of

³¹⁴Were, G. S(a), *Op.cit*, p.157

1902; in 1912 he was also made Headman under the Native Authority Ordinance.³¹⁵ Aseka asserts that; all headmen and council of the elders in *Buluyia* then under North Kavirondo District were subordinate to him.³¹⁶

The period between 1902 and 1912 witnessed Mumia imperialism in *Buluyia*. Mumia went about appointing his kin as his point men in *Buluyia*. Were maintained that, in 1908 he and his brother Suleiman Murunga accompanied Geoffrey Archer, the then acting District Commissioner (DC) of North Kavirondo to divide *Buluyia* into eight administrative units known as locations. They included *Butsotso*, *Kabrasi*, *Marama*, *North Kitosh*, *Nabakholo*, *Samia*, *South Bukusu* and *Wanga*.³¹⁷

An informant accounts asserts that the move by Nabongo Mumia, sparked storm in *Buluyia*. In Mt. Elgon area the Sabaots 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.³¹⁸ Kakai advances that, the use of Kitosh instead of Bukusu for *North Kitosh* was due to the fact that all the communities of the Tachoni, *Babukusu* and Sabaot felt comfortable with it and especially *Abatachoni* and the Sabaot opposed the name '*North Kitosh*' being applied.³¹⁹

North Kitosh location became the home location for Mt. Elgon area, Chief Suleiman Murunga, Nabongo Mumia brother was appointed by Mumia to head *North Kitosh* location. As a location *North Kitosh* comprised of the Sabaots 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 account confirmed that the Sabaots believed that Murunga was a Bukusu or was acting in favour of the Bukusu. This strained the Bukusu-Sabaot relationship even further.³²⁰

³¹⁵Osogo, J.N: *A History of Buluyia* (Nairobi: Oxford University press; 1966); p.25

³¹⁶ Aseka, E.M., *Op.cit*, p.152

³¹⁷ Were, G.S., *Op.cit*, p. 167

³¹⁸John Musee., *Op.cit*

³¹⁹Kakai, P., *Op.cit*, p. 97

³²⁰Phillip Chemonges, (a farmer from Cheptais) interviewed on 27/2/2019

Imbuye notes that; people were encouraged to take their animals for auction to raise animals for the colonial government. This enabled the colonial 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.³²¹

The informant account corroborates that as an indication of resistance against the British the Sabaots decided to keep dreadlocks. The Sabaots expected foreign intrusion in their land as a discerned by *Oloibon* but interpreted this incursion as the Bukusu offensive in their land. Chief Murunga, a *Muwanga* (sic) ordered the pulling off the Sabaots dreadlocks. The experience was harrowing and scary those who survived the ordeal runaway or hid in caves. The Sabaot interpreted this brutality and odious maladministration by chief Murunga as Bukusu retribution for their age old enmity.³²²

Chief Murunga did not spare the Bukusu either, a massive movement of population was witnessed in the area. Bukusu and Sabaots fugitives sought refuge in Trans Nzoia to work on settler farms. The Sabaots renegades created a vacuum leaving their homes and homes, the Bukusu escapees who were moving uphill occupied their deserted homes and land.³²³ 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.³²⁴

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.³²⁵ 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. Sabaots were mainly conscripted because of their warrior skills orientation, the Bukusu on the other hand were absorbed in the

³²¹Imbuye, B., *Op.cit*, p. 65

³²²Lydia Chebet, (an activist working for an NGO in Kapsokwony) interviewed on 10/3/2019

³²³Information from Kenya Archive: KNA/PC/NZA/3/1/1/1909 Accessed on 3/4/2019

³²⁴ 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

³²⁵Information from Kenyan archive: KNA/PC/NZA/3/14/SECTION NO.15 Land Boundaries, chief Tendetti complaints, accessed on 3/4/2019

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 and forty days a year to discourage the high volumes of population movement to Trans-Nzoia escaping conscription and construction labour in *North Kitosh*.³²⁶ Kiseembe 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 carter for the war fund.³²⁷

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 Sabaots 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 Sabaots. 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 confirms that the Sabaots believe that the Bukusu infringed on their ancestral land when they sought refuge in Trans-Nzoia. Most of the Sabaots 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.³²⁸

Bukusu in *North Kitosh* location also resented Chief Murunga tyrannical authority; this may possibly be interpreted as a result of their frosty correlation with the Wanga. 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 Sabaots 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 Sabaots.³²⁹

³²⁶Mungeam, G.H: *John Ainsworth in ed. Kipkorir, B.E. Imperialism and Collaboration in Colonial Kenya* (Nairobi: East African publishers;1980); p. 52

³²⁷Arap-Kiseembe, B.B.C: *The role of 'Worgondet 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

³²⁸Rose Chesebe, (a social worker from Cheptais), interviewed on 26/2/2019

³²⁹Kakai,P., *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 Sabaots. Chief Murunga was viewed as an agent of the Bukusu or a Bukusu by the Sabaots deepening ethnic stereotypes against the Bukusu. The activities of colonialists created ethnic identities between the Bukusu and Sabaots.

Stefano a Bukusu became the new chief of Malakisi while Chief Tendetti rose to the chieftainship of Elgon location. Stefano was favoured by the Sabaots 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.³³⁰

An informant account reveals why the Sabaots entrusted Stefano to the chieftain position. The informant shares that the Sabaots considers the Bukusus as inferior to their wives to the extent of being loyal and to them. The Sabaots also married off their daughters to radical Bukusus to trick them into submission.³³¹

Elgon location experienced a rather calm inter-ethnic relationship 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 relationship in Malakisi location strained. Stefano 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;

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 dialect.³³²

³³⁰ Information from Kenya archive: KNA/DC/EN/3/1/2:1920s-1950s political record , accessed on 3/4/2019

³³¹James Kimutai, (a retired chief from Cheptais), interviewed on 28/2/2019

³³² Kakai, P., *Op.cit*, p. 115

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 Sabaots familial lands. Bukusus moved into the area and settled there during his reign. The functionality of this study's 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 Sabaots who are disadvantaged by the local leadership.³³³

Sabaots complained that Chief Jeremiah discriminated them while giving conscript quotas by taking three quarters from the Bok and only one quarter from the Bukusu. The Bukusu population in the area was double that of the Sabaots, the Sabaots argued that they were mistreated during the exercise. They also decried bigotry in issuance of business permits by Chief Jeremiah, who they maintain favoured the Bukusu.³³⁴ Chief Jeremiah was eventually ousted; his succession was also preceded with clan rivalry and Bukusu-Sabaot factor. 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.³³⁵

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.³³⁶

The Sabaots 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 1946.³³⁷

³³³Simon Ngeywa, *Op.cit*

³³⁴Information from the Kenya archive: KNA/PC/NZA/3/1423-1944-1949 section no.16 Lands: Boundaries, boundary disputes and Walago –Bok, accessed on 3/4/2019

³³⁵Wolf, J.J: *Differentiation and Integration in Western Kenya* (The Hague: Morton and Co. BV; 1977); p, 175

³³⁶Wolf, J.J., *Op.cit*, p, 176

³³⁷Kakai, P., *Op.cit*, p.118

An informant account points out that Chief Jonathan Barasa's reign was equally an extension of Chief Jeremiah's policies of marginalizing the Sabaots. Chief Jonathan Barasa encouraged the Bukusu to acquire more land in north Malakisi and when private land registration was introduced in 1959, he prioritized Bukusus in land to registration to cushion them from Sabaots eviction in case of land clashes in the area.³³⁸ The Sabaots based on informants were marginalized by the Bukusu during the colonial period. Majority colonial chiefs in Mt. Elgon area were non-Sabaots; chiefs like Jeremiah Kukubo, Suleiman Murunga and Jonathan Barasa are unpleasantly cited as having expedited the Bukusu 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.³³⁹ Wolf states that, "...Mt. Elgon area was sparsely populated before 1950; it started acquiring rapid increase in population between 1948 and 1962".³⁴⁰

3.4 Colonial Land Policies and their Impact on the Land Question

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.³⁴¹

The TJRC report outlines that; in the region now Kenya, land was communally and customarily owned in pre-colonial societies without any formal titles. In the colonial era, first all land was 'crown' land and subsequently, trust land were delineated and through tenure reforms, large portions of trust land all over the country have been registered in the name of private groups of individuals.³⁴²

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

³³⁸ John Musee., *Op.cit*

³³⁹Patrick Kiprop., *Op.cit*

³⁴⁰Wolf, J.J., *Op.cit*, p.9

³⁴¹Nang'endo, W.D: The operation of Kavujai Land control board, Kavujai Division of Bungoma District, (Nairobi: LBB dissertation: University of Nairobi; 1981); p. 10

³⁴²Truth Justice and Reconciliation Commission report, 3rd May, 2013, p. 251

white settlers and the construction of public utilities and development of infrastructure to facilitate utilization of resources in the interior.³⁴³

Kakai adds that; the colonial regime not only introduced administrative values but also new terms of land ownership. These terms made nonsense of the African values embedded in the indigenous land tenure system in which the family, clan or ethnic community had the final say in land matters.³⁴⁴

In 1890, the Foreign Jurisdiction Act was promulgated paving way for Europeans to legally negotiate, buy or conquer African land in East Africa. This legal dispensation occasioned an influx of Europeans explores 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.³⁴⁵

The TJRC (2013) 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.³⁴⁶

The Foreign Jurisdiction Act ushered in a step to new era of land tenure system. African traditional customs regarding land were disrupted systematically to the advantage of the Europeans. In 1890 Fredrick Jackson signed a treaty with *Kirwangindet* Kimingichi of Bok in Mt. Elgon area to secure the area for the British East Africa protectorate exploitation of Ivory and wildlife in the region.³⁴⁷ The treaty signing was signed with the initiation of both parties in

³⁴³Imbuye, B., *Op.cit*, pp. 67-69

³⁴⁴Kakai, P., *Op.cit*, p. 101

³⁴⁵Mweseli, O: *The Reform Debate in Kenya in Wanjala. S.C. essays on land law*, (Nairobi: Faculty of Law UON; 2000); pp. 3-22

³⁴⁶Truth Justice and Reconciliation Commission report, *Op.cit*, p. 67

³⁴⁷Were, G.S., *Op.cit*, p.157

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.³⁴⁸

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.³⁴⁹ Kakai sheds more light on this; ...in 1894, the Imperial British East Africa Company initially charged with the governance of British protectorate (Uganda) as well as the British East protectorate (Kenya) on behalf of British promulgated regulations which permitted lease land for grazing, residential and agricultural purposes.³⁵⁰

Even though this provision did not affect directly the Bukusu and the Sabaots in Mt. 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, in 1897, other regulations were promulgated allowing the Europeans to lease land for duration of twenty one years. The lease could, however, be renewed if deemed necessary.³⁵¹

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.³⁵²

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

³⁴⁸ Patrick Kiprop., *Op.cit*

³⁴⁹Sorenson, M.P.K: *Origin of European settlement in Kenya*, (Nairobi: Oxford University press; 1968); p. 53

³⁵⁰Kakai, P., *Op.cit*, p. 101

³⁵¹Wafula, S: '*Colonial Land Policy and North Kavirondo African Reserve to 1940*' (B.A. Dissertation, University of Nairobi; 1981); p. 20

³⁵²*Ibid*

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.’³⁵³

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.³⁵⁴ Wafula says; this ordinance provided for the first time the commercial value to land in which foreigners could purchase it.³⁵⁵

The crown land ordinance was ground breaking for the acquisition of land by the commissioner who in turn would grant white settlers chunks of land in what was christened ‘white highlands.’ Land was sold at two rupees per acre or lease at a rental value of fifteen rupees per one hundred acres.³⁵⁶

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 occupied areas as ‘reserves’. This provision restricted Africans in their present settlements.³⁵⁷ During this period, the Sabaots 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 2013, 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*

³⁵³*Ibid*, p. 18

³⁵⁴Nasimiyu, 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. 64

³⁵⁵Wafula, S., *Op.cit*, p. 20

³⁵⁶Kakai, P., *Op.cit*, p. 102

³⁵⁷Nasimiyu, R., *Op.cit*, P.63

operation’ which involved among other things confiscation of their livestock.³⁵⁸

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.³⁵⁹ 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; “...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.”³⁶⁰

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 inter-section to River Kipkaren on the reaches of Marabusi hills.³⁶¹

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.³⁶²

A section of Mt. Elgon area became part of white highlands. Both the Bukusu and Sabaots 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

³⁵⁸Truth Justice and Reconciliation Commission report., *Op.cit*, 2013, p. 189

³⁵⁹ Information from the Kenya Archive; KNA/PC/NZA/3/14/29B:1949-56 –prior to 1952, accessed on 3/4/2019

³⁶⁰Imbuye, B., *Op.cit*, p. 67

³⁶¹Information from the Kenya Archive; KNA/PC/NZA/3/7/2/2 1912-1923 –Report on Eastern Boundary, North Kavirondo Reserves, accessed on 3/4/2019

³⁶²Truth Justice and Reconciliation Commission report., *Op.cit*, p. 184

farms; they were also over-taxed in the process. Frosts clarifies that; to ensure that Africans could not change their employer voluntarily a new law was passed in 1919 compelling all Africans in the colony to each carry *Kipande* (identification document) at all times that they were not in areas set aside for Africans (reserves).³⁶³

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 Sabaots 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.³⁶⁴ 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 condemned them as tenants at the will of the crown. This augmented settler populace in Kenya.

Kakai write; these communities did not just obey the orders, they resisted until colonial forces destroyed houses and properties belonging to those communities to forcefully evict them from alienated land.³⁶⁵

In relation to this time, one of the Kony elders named Kosus disagreed with his kin Kiptek. Kosus 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, incidentally, the colonial government gazette Mt. Elgon forest area led to more Sabaots moving away from Mt. Elgon Moorland area to Saboti Division of Trans-Nzoia in search of pasture for their livestock.³⁶⁶ In relation to this 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 Association (EAA) under the leadership of Harry Thuku, a young clerk working in the Treasury.³⁶⁷

The TJRC report 2013, 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

³⁶³Frost, R: *Race against Time* (London: Rax Collings Ltd;1997)

³⁶⁴ Simon Ngeywa., *Op.cit*

³⁶⁵ Kakai, P., *Op.cit*, p. 104

³⁶⁶ Information from Kenya Archive; KNA/PC/NZA/2/10/7:31-51: Forestry, North Kavirondo, Mt. Elgon 1931-1951, accessed on 3/4/2019

³⁶⁷Jim Bailey and Garth Bundeh: Kenya: *The National Epic* (Nairobi: Key way publication; 1993); p. 24.

Gishu County; between 1921 and 1922, more members of the Sabaot community were moved out of Trans-Nzoia after the land they were occupying was declared part of crown land. The rest of the people were forcibly recruited as farm labourers for Europeans. In 1924, all of the community members who had, for one reason or another remained in the region were declared squatters in Trans-Nzoia.³⁶⁸

An informant account points out that the Kosus 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 Sabaots familial land.³⁶⁹ Kisembe 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.³⁷⁰

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 guise protecting of African land interests in the drafting of the Devonshire White paper, their insincerity was reflected in unrelenting grip of the white highlands in their resolution to settle the Indian question.³⁷¹ 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 2013) asserts; Kenya (Native Areas) Ordinance

³⁶⁸Truth Justice and Reconciliation Commission report, *Op.cit*, p. 189

³⁶⁹Patrick Kiprof., *Op.cit*

³⁷⁰Arap-Kisembe, B.B.C: *The role of 'Worgondet and Kirwagindet' in the History of the Sabaot People of Mount Elgon during the Late Nineteenth and Twentieth Centuries'* (Nairobi: B.A. Dissertation, University of Nairobi; 1978); p. 108

³⁷¹Shiroya, O.J.E: *Dimensions of Nationalism: The African Context* (Nairobi: Jomo Kenyatta Foundation; 1994); p.

was passed in 1926 to provide basis for the established of the reserves and to confer official recognition of their existence.³⁷²

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 2013) 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.³⁷³

The following year, the Sabaots 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 2013 indicates that; in 1931, the then District Commissioner John Lionel Bretherton Llewellyn, moved two hundred members of the tribe 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)³⁷⁴

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

³⁷²Truth Justice and Reconciliation Commission report., *Op.cit*, p. 185

³⁷³Truth Justice and Reconciliation Commission report., *Op.cit*, p. 184

³⁷⁴*Ibid*, p. 190

servant's ordinance, and the 1918 Resident Native (Squatters) ordinance and Kipande.³⁷⁵

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 in 1932 to the appointment of the Kenya land commission which reported in 1934.³⁷⁶

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 will be relinquished forever. The report 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.³⁷⁷

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.³⁷⁸ The Sabaots 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 passed for the purpose of settling African communities that had been dispersed and detribalized

³⁷⁵*Ibid*, p.184

³⁷⁶Jim Bailey and Garth Bundeh., *Op.cit*, p. 27

³⁷⁷Truth Justice and Reconciliation Commission report., *Op.cit*, p. 190

³⁷⁸ Ghai, Y. :*Public law and political change*, (Nairobi, London, Oxford University press, 1970); p. 27

through forceful evictions; no reserve was established for the purpose of the Sabaot/ Elgon Maasai.³⁷⁹

In 1954, the Sweynnerton plan for the Reform of African Land tenure was approved to reform agricultural policies which develop agriculture in Kenya. These policies were aimed at expanding native cash crops production by improving the market distribution and infrastructure use. The rules made thereunder were the native land tenure rule (1956) in which communal/familial 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.³⁸⁰

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.³⁸¹ The TJRC report 2013 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.³⁸²

³⁷⁹Truth Justice and Reconciliation Commission report., *Op.cit*, p. 190

³⁸⁰*Ibid*, p. 195

³⁸¹Nasimiyu, R., *Op.cit*, p. 66

³⁸²Truth Justice and Reconciliation Commission report., *Op.cit*, p. 190

In 1956, some legislative measures were passed to set out the principles and procedure for tenure reforms. In 1959, registration was to extinguish all existing rights and interests under customary law. The land control ordinance was operating within the 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 gazette 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 was held under public, private or community tenure 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 Relationship

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 Dr. 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.³⁸³

Whether it was by design or default it is a matter of debate, Samita argues that, most of the changes affecting Kenya today, whether political, economic or socio-religious can be easily traced to the period of the arrival of the colonial settlers and missionaries.³⁸⁴

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.³⁸⁵ 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) also referred to as the Quakers. They were the first missionaries to arrive in western Kenya in 1902.³⁸⁶

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 industrial Department at Kaimosi, in contemplation that it was necessary in founding a Christian civilization in the midst of a barbarous people. The Friends African Mission (FAM) had less industrial activities and focused more on mission work.³⁸⁷

Gimonde revealed that; it transformed into Friends African Mission (FAM) due to its focus on the missionary activities with less emphasis on industrial aspects and set up the first mission station at Kaimosi.³⁸⁸ 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

³⁸³Gimonde, E.A: *Culture and History: A Religious Experience of the AVALOGOLI AD 1850-1945*, (M.A Thesis: Kenyatta University; 1993); p.144

³⁸⁴Samita, Z.W.: '*Pneumatology in the African Church of the Holy Spirit in Kabras Division, Kakamega District.*' (M.A Thesis, Kenyatta University; 1992); p. 85.

³⁸⁵Okoth, A : *A History of Africa*, (Nairobi: Bookwise Limited; 1980); p. 45

³⁸⁶ Samita, Z.W., *Op.cit*, p. 90

³⁸⁷Information from the Kenya Archive: KNA/EAYMF 64/80, 1910, accessed on 3/4/2019

³⁸⁸ Gimonde, E.A., *Op.cit*, p.143

was also home to one of the Bukus greatest forts, Lumboka and Chetambe, which fell at the advent of European imperialism in the region. Kakai posits; they gradually spread to other areas including Lugulu or *Kitosh* station in August 1913, between 1913 and 1920, under the pioneer missionaries Dr. A.B. Stock and Mr J.W. Ford.³⁸⁹

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 accounts adds that, Murunga supported the missionaries' activities in the locations and often provided security to the missionaries, he also over saw, community mobilization in mission work.³⁹⁰ Wolf sheds more light on this;

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 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.³⁹¹

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 mission continued to run. The structural framework of operation incorporated Black Africans for easy succession.³⁹² 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.

³⁸⁹ Kakai, P.,: *Social Concepts in the initiation Rituals of the Abatachoni: A Historical Study* (M.A. Thesis, History Department, Kenyatta University; 1992); p.108

³⁹⁰Jacob Namunyu., *Op.cit*

³⁹¹ Wolf, J.J., *Op.cit.*, p.163

³⁹²*Ibid*

According to Wekesa, Catholic influence spread very fast between 1925 and 1935. “Between 1925 and 1935, Catholic influence spread very fast in south Bukusu. However, its spread was not fast in *North Kitosh*.”³⁹³ 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.³⁹⁴

Religious differences pitted south Bukusu and *North Kitosh* on collision course, sometimes violence broke out between catholic followers and Quakers. Aseka notes this; when Catholics tried to establish their church in the Quakers spheres of influence in 1926, a fight broke out prompting the local Native Council (LNC) to grant them one school in *North Kitosh*.³⁹⁵

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 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 Sabaots. A sizeable number of the Bukusu professed the Quaker faith within *North Kitosh*. The Sabaots accused the Bukusu of marginalizing them in church leadership in Quaker. Although, by this time many Sabaots had not learnt how to read and write, technically incapacitated to offer church leadership but they often protested Bukusu domination.³⁹⁶

In South Bukusu Chief Sudi Namachanja became a committed figure in the spreading of the Catholic Church in the location. Pascal Nabwana who was the head of Catholic Christian was not pleased with religious feuds among the Bukusu. Wolfs reiterates that; these conflicts started when Pascal Nabwana, head of Catholic Christians protested against *Bukusu* being split along religious denominational bases. He wanted *Babukusu* to continue peaceful co-existence among themselves irrespective of their denominational and religious persuasion.³⁹⁷

³⁹³ Wekesa P.,: *Politics and Nationalism in colonial Kenya: The case of Babukusu of Bungoma District-c 1894-1963*, (Nairobi, Kenyatta University; 2000); p. 147

³⁹⁴ Wolf, J.J., *Op.cit*, p. 144

³⁹⁵ Aseka, E. M., *Op.cit*, p. 230

³⁹⁶ Simon Ngeywa., *Op.cit*

³⁹⁷ Wolf, J.J ., *Op.cit*, p. 164

An informant 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 which 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.³⁹⁸

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.³⁹⁹

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.⁴⁰⁰ Kakai's research points out that, this new dimension of intra-sub-ethnic relations grew to such extent that when Babukusu were protesting against Wanga domination, some Babukusu to sides with Murunga, a Muwanga, Chief who was disliked by most Bukusu.⁴⁰¹

By 1920's the Friends African Mission (FAM) was expanding rapidly in *North Kitosh* in the present Mt. Elgon area.⁴⁰² An informant account confirms that the Sabaots were living around Chesikaki during the introduction of Friends African Mission (FAM) in the area. Benjamin Musundi, a Friends African Mission (FAM) religious leader wielded expansionary powers, in cohort with his converts pushed the Sabaots away from Chesikaki and occupied the area.

³⁹⁸Patrick Kiprop., *Op.cit*

³⁹⁹ Kakai, P., *Op.cit*, p. 109

⁴⁰⁰John Musee., *Op.cit*

⁴⁰¹ Kakai, P, *Op.cit.*, p. 109

⁴⁰²*Ibid*, p.108

To justify this foregoing, an informant justified that the name Chesikaki was a Sabaot name.⁴⁰³ By the end of the 19th century, El Kony lived in houses in homesteads which were similar to the Bukusu pattern “...the Bok lived in fortified groups called *Ngorinok’o* in each of them lived about one hundred people”.⁴⁰⁴ An informant account confirms that the Sabaots 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.⁴⁰⁵ 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.⁴⁰⁶

Additionally, other minor religious denomination in the area included the Anglican and the Salvation Army.⁴⁰⁷ 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 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.⁴⁰⁸

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.⁴⁰⁹ Kakai affirms that; the Sabaot learnt how to use ox drawn plough from the Bukusu

⁴⁰³Simon Ngeywa., *Op.cit*

⁴⁰⁴ Kakai, P., *Op.cit*, p. 64

⁴⁰⁵Simon Ngeywa., *Op.cit*

⁴⁰⁶ Were, G.S., *Op.cit*, pp. 87-8

⁴⁰⁷B Imbuye., *Op.cit*, p. 72

⁴⁰⁸ Kakai, P., *Op.cit*, p.113

⁴⁰⁹Simon Ngeywa., *Op.cit*

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.⁴¹⁰

It is argued that ox drawn plough that was introduced in 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.⁴¹¹

A mutual trade between the Bukusu and Sabaots also existed during this period, Mt. Elgon area, then, in Kakamega division of North Kavirondo (the defunct Western Kenya), the District Officer of North Kavirondo described existence of a robust economic interface between the Bukusu and Sabaot. The Divisional Officer stated how the Sabaots made habitual expeditions to sell their meat and baskets to *Babukusu* in Bungoma districts as well as to *Bakisu* in Uganda in trade for cereals and dried bananas in that order.⁴¹² An informant 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 on donkey packs 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 Sabaots. Christian region 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 Sabaots Quakers united with other denominations including traditional religions to reject Chief Murunga in *North Kitosh* location.

⁴¹⁰*Ibid*, pp. 111-112

⁴¹¹Zeleza, T.C. : *A Modern Economic History Vol. 1* (Dakar: Codesria; 1993); p.92

⁴¹²Information from Kenya archive: KNA/PC/NZA/2/10/7: Forestry, North Kavirondo, Mt. Elgon 1931-1951, accessed on 3/4/2019

Consequently, an informant account reveals that the Sabaots suffered marginalization in church leadership and lost land Bukusu due to the Quakers expansion in the area.⁴¹³ 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 construction of ethnic identities in the expression of inter-ethnic conflicts. The Bukusu 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.

Even so, societies were formed by both Bukusus and Sabaots 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 this also brought in the functionality of this study instrumentalists theory which espouses the elites influence of ethnicity for personal or group gain. Kakai shares that; in 1936, the *Babukusu* pioneered other ethnic groups in Bungoma and Mt. Elgon establishing Kitosh Education Society (KES). It lacked denominational bias and it focused on health, education and administration.⁴¹⁴

Kitosh Education Society (KES) raised concerns on the discrimination during the Common Entrance Examination for primary schools. They pointed out the language setting policy which disadvantaged the Bukusu candidates. Examinations were set in *Oloragoli* or *Oluwanga* which challenged members of *North Kitosh* who barely understand the languages.⁴¹⁵ 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

⁴¹³Simon Ngeywa., *Op.cit*, 2019

⁴¹⁴Kakai, P.W., *Op.cit*, p. 119

⁴¹⁵*Ibid*

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, Kitosh Education Society (KES) was renamed Bukusu Union (BU) in 1940.⁴¹⁶

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.⁴¹⁷

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.⁴¹⁸ An informant account confirmed that even though North Kavirondo Farmers Association membership included both the Sabaots and the Bukusu, the Sabaots decried Bukusu dominion in the leadership of the association. Bukusu were led by Pascal Nabwana while the Sabaots lacked a key leader of his standing, the Sabaots claimed Pascal Nabwana helped the Bukusu more than the Sabaots in the association and accused him for advancing ethnicity, this contributed to the construction of ethnic identities between the Bukusu and Sabaots.⁴¹⁹

An informant account indicated that both the Kitosh Education Society (KES) and North Kitosh Farmers Associations (NKFA) were further point of disintegration between the Bukusu and Sabaots. The Sabaots who initially members of the two organisations during their initial launch walked out in protest decrying the Bukusu domination and favouritism. They alleged that Bukusu leaders did not champion Sabaots interests as expected but rather centred on Bukusu welfare.⁴²⁰

⁴¹⁶Wolf, J.J., *Op.cit*, p. 151

⁴¹⁷*Ibid*, p. 50

⁴¹⁸*Information from Kenyan Archive: KNA/PC/NZA/3/1/355:1939-1944 section 15 administration; accessed on 3/4/2019*

⁴¹⁹Electina Nasimiyu., *Op.cit*

⁴²⁰Patrick Kiprop., *Op.cit*

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.⁴²¹

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.⁴²² 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.⁴²³

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.⁴²⁴

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 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.⁴²⁵

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.

⁴²¹ Imbuye, B., *Op.cit*, p. 72

⁴²² Kakai, P.W., *Op.cit*, p. 108

⁴²³ Wolf, J.J., *Op.cit*, p. 163

⁴²⁴ Sifuna, D.N: *Western Tradition and the status of the teaching profession in Africa*, (Nairobi: Kenyatta University; 1990); pp. 15-16

⁴²⁵ Simon Ngeywa., *Op.cit*

3.8 Decolonization and its Impact on the Bukusu-Sabaot Relationship

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 the; Modernization Theory which emphasizes that colonial powers built infrastructure to integrate Africa into the world economy.⁴²⁶

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 Africa (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, 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.⁴²⁷

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 exposed Kenyans to the stirrings of nationalism in Asia and other parts of Africa and in 1944 a new nationalists organization, the Kenya African Union was formed by Kenya's African elite to fight for independence.⁴²⁸

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

⁴²⁶Bertocchia, 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

⁴²⁷*The Atlantic Conference and Charter, 1941!* history.state.gov. Retrieved 11/11/2018 14:30

⁴²⁸Jim Bailey and Garth Bundeh., *Op.cit*, p. 23.

that; during world wars African soldiers were conscripted into imperial militaries, this led to a deeper political awareness and the expectation of greater respect and self-determination which was left largely unfulfilled.⁴²⁹

The ex-conscripts 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 government. African ex-conscripts expected similar treatment by the colonial government but they were frustrated eventually. Kenyanchui shares that; indeed the African ex-soldiers wondered why the colonial government could not settle them in Kenya highlands as was done to the white ex-soldiers who were allocated land in places like Trans-Nzoia and Uasin Gishu.⁴³⁰

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. Key figures included Kwame Nkrumah of Ghana, Jomo Kenyatta of Kenya, and Julius Nyerere of Tanzania among others. Ferguson and Boahen disclosed that for the early African nationalists, decolonization was a moral imperative. In 1945 the fifth Pan African Congress demanded the end of colonialism. Delegates included future presidents of Ghana, Kenya, Malawi and national activists.⁴³¹

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

⁴²⁹Ferguson, E.D and Adu, A. Boahen: *African perspective on colonialism* 23 (2) (The Journal of African Historical Studies; 1990); p. 334.

⁴³⁰Kenyanchui Simon 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

⁴³¹Ferguson, E.D and Adu, A. Boahen., *Op.cit*

forest to coerce the colonists to grant Kenya freedom forthwith.⁴³² On this case, Maloba further states; in the entire colony, the mood and the course of action was aimed at decolonization⁴³³

Kenya African Union (KAU) was the first national political party to be formed in Kenya in 1945. It was formed to advance trans-ethnic nationalism with members drawn from different ethnic communities to form a formidable national party.⁴³⁴ However, Kenya African Union was preceded by many political parties that were ethnic based formed between 1919-1939 which were collapsed to form a Kenya African Union, (KAU). Aseka highlighted that, political parties in Africa was a colonial introduction to make African politicians compete for seats initially in the Legislative council and later for other elective political posts through parties as vehicles to such designed ends.⁴³⁵

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. KAU was the first indigenous national multi-ethnic party to operate from about 1945 until it was banned in 1953.⁴³⁶

In Mt. Elgon area, Bukusu and Sabaots 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. The Bukusu and Teso were expected to register with divisional authorities as foreigners in their ancestral 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 Sabaots were regarded as the natives while the Bukusu and Teso were aliens (*lamek*).⁴³⁷

An informant account holds that this divisive approach by the colonial government pitted the Bukusu and Sabaots against each other; it also escalated the land question in Mt. Elgon area, the

⁴³²Maloba, O. W: *Mau Mau and Kenya: An analysis of a peasant Revolt*, (Nairobi: East African publishers 1989); p. 185-193

⁴³³Maloba, O. W., *Op.cit*, pp. 185-193

⁴³⁴Information from Kenya archive: KNA/PC/NZA/3/1/360-1937-1946: section Administration; accessed on 3/4/2019

⁴³⁵ Aseka, E. M., *Op.cit*, p. 387

⁴³⁶ Kakai, P.W., *Op.cit*, p.136

⁴³⁷Information from Kenya Archive: KNA/DC/BGM/2/13/3: Divisional and Locational Boundaries; accessed on 3/4/2019

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 Sabaots to form common political parties to agitate for their social, economic and political emancipation.⁴³⁸ This demonstrates the submission of this study theory of constructivism, which argues that ethnicity is the latest invention 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 Sabaots to fight colonial intrusion in unison.

Even so, the Bukusu in Mt. Elgon formed Bukusu Union (BU) in 1940, it was 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 changed its name to Bukusu Union, making the Tachoni and the Sabaot to walk away. This disintegrated the Bukusu and Sabaot.⁴³⁹

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 beneficiaries; this did not please the Sabaots who felt marginalized.⁴⁴⁰ Wolf added that, under the auspices of the Kimilili Locational Advisory Council (LAC) and in conjunction with the Catholic Union, the Bukusu Union collected funds to send students abroad for training at colleges and Universities.⁴⁴¹

The Bukusu Union (BU) in mid-1940's pressured for the creation of a new district to benefit its members in education and social welfare matters. 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 District, they wanted to control the spreading of *Dini Ya Musambwa* (DYM) in the region.⁴⁴²

⁴³⁸Patrick Kiprop., *Op.cit*

⁴³⁹Information from Kenya archive: KNA/DC/KIT/1/1/1:1960 Trans Nzoia District Annual Report; accessed on 3/4/2019

⁴⁴⁰James Kimutai, (a retired chief from Cheptais), interviewed on 28/3/2019

⁴⁴¹Wolf, J.J., *Op.cit*, p. 152

⁴⁴²Information from Kenya archive: KNA/PC/3/1/252:1953-1958 ADC Nyanza; accessed on 3/4/2019

The Bukusu Union (BU) also advocated for the transferring of *Babukusu* from Kenya to Uganda colony where they believed Bakisu their brothers were. They argued that Bakisu spoke a similar language with *Babukusu* and the two relate better than other Luhya like *Abaragoli* and *Abawang*.⁴⁴³ 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.⁴⁴⁴

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’.⁴⁴⁵

Bukusu Union (BU) did not join Kenya African Union (KAU) which was formed through amalgamation of ethnic based political parties in Kenya but its secretary John Victor Khatete was a member of Kenya African Union (KAU). Khatete presented grievances to Rift Valley and Nyanza Provincial Commissioners (PCs) which included destocking policy in Trans-Nzoia and colonial land alienation. He also expressed that Africans emancipation and right to property was paramount.⁴⁴⁶ 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 Argwings Kodhek’s Nairobi African District Congress and Tom Mboya’s Nairobi People’s Convention party.⁴⁴⁷

An informant account states that the activities and grievances advanced by Kitosh Education Society, (KES) were egocentric and this did not please the Sabaots, who not only walked out of the association but also accused the Bukusu for being proud and selfish.⁴⁴⁸

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

⁴⁴³ 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

⁴⁴⁴*ibid*

⁴⁴⁵Kakai, P., *Op.cit*, pp. 132-133

⁴⁴⁶Information from Kenya Archive: KNA/PC/NZA/3/1/360-1937-1946: Section Administration, accessed on 3/4/2019

⁴⁴⁷Jim Bailey and Garth Bundeh., *Op.cit*, p. 109

⁴⁴⁸Simon Ngeywa., *Op.cit*

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, the colonial government appointed a commission led by the chief secretary sir. Walter Courts to work out modalities of enfranchising Africans in the colony. The result was that for the first time Africans would be allowed directly elect their representatives to the legislative council.⁴⁴⁹

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 confirms that due to Sabaots conflicts with the Bukusu, they did not as expected support Masinde Muliro as but rather voted other candidates.⁴⁵⁰ Aseka confirms this where 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 Nabakholo. Others who joined the contest for the seat were W.B. Akatsa and Joseph Kadima.⁴⁵¹

Masinde Muliro formed Kenya National Party (KNP) in July 1959. It was a multi-racial party, it comprised of seven Africans, one Europeans and six Asians who advocated for the crown land and unused land in the highlands to be given to Africans. 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 Bukus in Elgon Nyanza, However, the Sabaots were not happy with Masinde Muliro who they supposed served to champion for the interests of the Sabaots.⁴⁵²

⁴⁴⁹ Atieno Odhiambo, E.S.: *Makers of Kenya's History: Jaramogi Ajuma Oginga Odinga; A Biography* (Nairobi: East African Education Publishers); p. 8

⁴⁵⁰ Jacob Namunyu., *Op.cit*

⁴⁵¹ Aseka, E. M., *Op.cit*, 389

⁴⁵² Bogonko, S.N: *Kenya: 1945-1963* (Nairobi: Kenya Literature Bureau; 1980) pp. 219-248

The Sabaots formed Sabaot Union in 1950's; an informant account asserts how Sabaots 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.⁴⁵³

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 and West Kalenjin Congress was an express protest against the Bukusu whom they considered self-centred and were insensitive about their plight.⁴⁵⁴

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.⁴⁵⁵ 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 complained to the Trans-Nzoia District Commissioner (DC) to help them transfer to Trans-Nzoia to join other Kalenjins in the district.⁴⁵⁶

An informant account indicated that this request was denied by the boundaries commission which declined to restructure the Sabaots to administer from Mt. Elgon. This angered the Sabaots who blamed Masinde Muliro for engineering the decision of the boundaries commission.⁴⁵⁷ This demonstrates the applicability of instrumentalist theory of this study. Both Mossi and Muliro

⁴⁵³*Information from Kenya Archive: KNA/PC/NZA/2/1/54:1931-51: Native Tribes and their customs; accessed on 3/4/2019*

⁴⁵⁴John Musee., *Op.cit*

⁴⁵⁵ Electina Nasimiyu., *Op.cit*

⁴⁵⁶*Information from Kenya Archive: KNA/PC/NZA/4/4/114/ADC of Elgon Nyanza, 1961, accessed on 3/4/2019*

⁴⁵⁷Simon Ngeywa., *Op.cit*

influence the aspects of ethnicity among the Bukusu and Sabaots to cause inter-ethnic tensions between them.

When the Kenya Independent Movement (KIM) Agikuyu and Luo dominated party changed and formed the 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 interests of other minorities' communities in Kenya. An informant accounts explicates that both the Bukusu and Sabaots supported Kenya African Democratic Union because of Daniel Mossi and Masinde Muliro. The Sabaots 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 Sabaots together tentatively.⁴⁵⁸ 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)⁴⁵⁹

At the outset, the presence of Muliro and Mossi in Kenya African Union (KADU) 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 Bukusu and Sabaots. The Sabaots through Mossi blamed Muliro for influencing the decision of the boundaries Commission.⁴⁶⁰

Kakai best explains this when he notes that "...instead the commission hived off some one hundred and fifty thousand acres of land from the colonial Trans-Nzoia and added to the western

⁴⁵⁸Jacob Namunyu., *Op.cit*

⁴⁵⁹Kakai, P.W., *Op.cit*, pp. 140-141

⁴⁶⁰James Kimutai., *Op.cit*

region in form of settlement scheme. In reaction, WKC transferred their allegiance from Kenya African Democratic Union (KADU) to Kenya African National Union (KANU)'.⁴⁶¹

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 construction of ethnic identities and tensions between the Bukusu and Sabaots.

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 Sabaots 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.⁴⁶² Masinde Muliro advocated for making Kitale the capital of western region. Daniel Moss and the Sabaots objected this. Muliro went ahead to lay a foundation stone in the middle of the sports stadium in Kitale.⁴⁶³ Wolfs 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.⁴⁶⁴

In the ensuing election in 1963 the Bukusu-Sabaot enmity exploded into violence, the election was marred with aggression and expulsion of the non-Sabaots mostly the Bukusu in the Mt. Elgon area. In the election 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 the Matifari while the Sabaots choice was Daniel Mossi. Masinde Muliro

Arap Kisembe shares this;

⁴⁶¹ Kakai, P.W., *Op.cit*, p. 147

⁴⁶²Information from Kenyan Archive: KNA/DC/KIT/1/5/8:1962-1963: Registration of voters and General correspondence, accessed on 3/4/2019

⁴⁶³Kiluki, J: *Report of Parliamentary Select Committee to investigate Ethnic clashes in western and other parts of Kenya* (Nairobi: Government printers; 1992); p. 22

⁴⁶⁴Wolf, J.J., *Op.cit*, p. 193

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 Bukusus who were to be evacuated from the area by the Sabaots.⁴⁶⁵

The contribution of Mossi and 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 political. Additionally, the poignant issue of land surfaced in the Lancaster Houses conference in 1962, it was argued that land should be included in the Bill of rights. Although, land was enshrined 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 citizen⁴⁶⁶

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 reports emphasised that; to give pre-eminence to resolution of their grievances over land, the Sabaot, then known as Elgon Maasai were represented in the Lancaster House conferences where it was agreed in 1961 and 1962 that land that had been forcefully taken away from African communities including Sabaot would be restored to them. But this never saw the light of the day.⁴⁶⁷

Conversely, the UNDP/OCHA report accounts that the Sabaots were misconstrued to be the Maasai especially were then 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 Luhyas were resettled in their hitherto familial land in the colonial Trans-Nzoia under the advocacy of Masinde Muliro.⁴⁶⁸

⁴⁶⁵B.B. C. Arap Kisembe., *Op.cit*, p. 123

⁴⁶⁶ Maloba, O. W ., *Op.cit*, p.184

⁴⁶⁷Truth Justice and Reconciliation Commission., *Op.cit*, p. 191

⁴⁶⁸*Governance and security Factors Research consultants: Kiragu Wachira, Barrack Muluka and Manasseh Wepundi a UNDP /OCHA funded research*, p. 15

As earlier asserted, the Sabaots expected to be resettled in parts of Trans-Nzoia, including the present Uasin Gishu and Bungoma counties. Inexplicably, the areas were carved out and became settlement schemes for the Luhya from North Kavirondo. Besides, the ministry of land and resettlement was changed to the ministry of lands and settlement. During this period, re-grabbing of Sabaot land by the allies of Kenyatta, Moi and Masinde Muliro continued.⁴⁶⁹ An informant accounts states that the Sabaots lacked proper representation both at the Lancaster House conferences and in the independence government as opposed to the Bukusu.⁴⁷⁰ The TJRC report further affirms that; it was shocking for members of the Sabaot community that in 1963, when Masinde Muliro became member of parliament for Kitale East, he moved Trans-Nzoia in the Rift Valley province to campaign for or advance the interests of the Bukusu community who, by then occupied parts of the former white highlands farms that had been forcibly taken away from the Sabaot community.⁴⁷¹

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 Bukusus whose interests were advocated by Masinde Muliro who was a cabinet minister in the independence government.⁴⁷² 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 Conclusion

As illustrated at the onset of this chapter, this section enacted the Bukusu-Sabaot relationship during the colonial period. It established 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 found out that Joseph Thompson an explorer named Mt. Elgon in 1883 after the Kony, a sub-tribe of the Sabaots sparking controversy among the Bukusu. The Sabaots infer to this name

⁴⁶⁹Truth Justice and Reconciliation Commission., *Op.cit*, p.191

⁴⁷⁰Patrick Kiprop., *Op.cit*

⁴⁷¹The Truth Justice and Reconciliation Commission., *Op.cit*, p. 192

⁴⁷²Patrick Kiprop., *Op.cit*

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 Sabaots 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 Sabaots 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 Holey recruited the Sabaots as mercenaries' soldiers to crush the Bukusu resistance. This further escalated the Bukusu-Sabaot frosty relationships. The Sabaots 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 the Chief Murunga, Jeremiah Kukubo and Chief Jonathan Barasa. It also established that during the division of Buluyia in 1908, the Sabaots 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 Sabaots 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 Sabaots land and homes, this created structural conflict between the Bukusu and Sabaots. The Sabaots 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 Sabaots 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 Sabaots. The political associations and parties were formed in Mt. Elgon area to advocate for the welfare, interests and to agitate for decolonization. Sabaots 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 created structural conflicts among the Bukusu and Sabaots. The Sabaots accused the Bukusu of leadership monopoly and tribalism in advancing for the interests of the society's interests.

The rise of mission schools led to the rise of African elites who were essential in the formation of early welfare and political association. These also created structural conflicts between the Bukusu and Sabaots. The Sabaots 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 Sabaots, the Sabaots 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 Sabaots to Rift Valley province and preservation of clitoridectomy. The onset of decade of independence in 1960's saw the Bukusu and Sabaots differences escalates further when they differed on the administration of Mt. Elgon area. The Sabaots 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 Sabaots subscribed to (KADU) ideologies but the Sabaots 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 relationship in Mt. Elgon area exploded into violent conflicts after independence.

CHAPTER FOUR

BUKUSU-SABAOT INTER-ETHNIC CONFLICT SINCE 1963

4.1 Introduction

As the last sentence implied in the previous chapter, this section picked from the Bukusu-Sabaot relationships in the pre-colonial and colonial era in the preceding chapters and how it affected the post-independence Bukusu-Sabaot inter-ethnic land conflicts. The sub-sections making up this Chapter are follows;

4.2 The Land Question and Production forces in Kenya

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.⁴⁷³

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. 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 any say in its disposal.⁴⁷⁴

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 husbands land.⁴⁷⁵ Wagner highlights that; girls were given their own gardens at the age of fourteen. The crops raised by them were stored in a special granary which after their marriage

⁴⁷³Nasimiyu R., *Op.cit*, p. 62

⁴⁷⁴C.K. Meek: *Land Laws and Customs in the colonies* (London: Oxford Universities press; 1946); p. 26-27

⁴⁷⁵Information from Kenya Archive: KNA/DC/NN/10/1, Political Associations, 1926-40; accessed on 3/4/2019

were ceremoniously 'opened' by their father in-law and served to give them a start in their own households.⁴⁷⁶

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.⁴⁷⁷ 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.⁴⁷⁸

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 was traded or reserved for posterity, and land was the essential force of production.⁴⁷⁹ Nasimiyu further observes that; Bukusu agriculture was not only a simple subsistence system but produced surplus which was exchanged for other commodities.⁴⁸⁰

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. All the same, the Europeans presence in the turn of the 19th century revolutionised agronomic systems through introduction of sustainable methods of farming.⁴⁸¹ 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.⁴⁸²

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,

⁴⁷⁶Wagner, G., *Op.cit*, p. 9.

⁴⁷⁷Patrick Kiprop., *Op.cit*

⁴⁷⁸Willis, 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

⁴⁷⁹Nasimiyu R., *Op.cit*, p.39

⁴⁸⁰*Ibid*, p. 42

⁴⁸¹*Ibid*, P. 69

⁴⁸² Mamdani, M.: *Politics of class formation in Uganda* (London: Heinemann; 1976); p. 138

including Mt. Elgon area. Money economy only modified the pre-existing forces in their present form. Odhiambo shares that; in analysing the impact of the penetration of finance capital has on had on the peasantry in developing countries, as a result of capital conservation the peasantry in dependent relations. Capital was not capable of instituting domestic changes in the instruments and forms of the labour.⁴⁸³

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.⁴⁸⁴ 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.⁴⁸⁵

Colonialism and western capitalism system was 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.⁴⁸⁶ Achola further observes that; the basis of conflict in any society is inherent in their economic substructure...⁴⁸⁷

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 and 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

⁴⁸³Odhiambo, 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

⁴⁸⁴Frank, A.G: *Capitalism and Underdevelopment*, (New York: In Latin America's monthly review press; 1967); pp.78-92

⁴⁸⁵Brett, E. A. : *Colonialism and underdevelopment in East Africa: The politics of Economic change 1919-1939* (Nairobi: Heinemann; 1973); p. 31

⁴⁸⁶Momanyi, J.K: *Politics and Nationalism in Colonial Kenya: The case of Abagusii c. 1939-1963* (Nairobi, M.A thesis, Kenyatta University; 1996); p. 20

⁴⁸⁷Achola, 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

land resource for the production of raw materials for both local industrial production and foreign export.⁴⁸⁸

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-cultural and spiritual relations among community members are defined and organized.⁴⁸⁹

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. This factors combined exerts pressure on existing and favourable land in Kenya and chiefly Mt. Elgon area.

Simiyu shares that; the ever-growing population also exerts increasing pressure on what is already a scarce resource. This is against a backdrop of growing environmental awareness and sensitivity which, grounded in the logic of sustainable exploitation of resources and environmental conservation requires that population migration into certain ecological sites be controlled.⁴⁹⁰

African liberations movements in Kenya and beyond the continent just as they agitated for self-determination, the political struggle were 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.⁴⁹¹ Simiyu observes that; one of the lasting legacies of colonialism is the alienation of large chunks of prime agricultural areas from African communities which were then handed over to a relatively small number of white settlers.⁴⁹²

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

⁴⁸⁸Odhiambo, M.C., *Op.cit*, pp. 5-7

⁴⁸⁹ 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

⁴⁹⁰*Ibid*, p. 5

⁴⁹¹*Ibid*

⁴⁹²*Ibid*

to the uprooting of Africans from their ancestral area and sometimes, such influx of displacement infringed on hitherto foreign ethno-territorial areas, which has historically heightened tensions during and after the colonial period in Kenya.⁴⁹³ 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.⁴⁹⁴

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 Sabaots 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.⁴⁹⁵

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 escalated the historical injustices and inequalities in the established policies of land redistribution.⁴⁹⁶

Kariuki's study stated that; land has also been used by successive governments in independent Kenya as a means of political patronage and controls. Public land has been expropriated and

⁴⁹³*Ibid*

⁴⁹⁴ Kanyinga, K.: *Struggle of access to Land: the squatter question in Coastal Kenya* (Copenhagen: CDR working paper, centre for development; 1998); p. 7

⁴⁹⁵ Kuria, K.K.: '*Majimboism and ethnic clashes in Kenya today*' (in the Nairobi law, Monthly, May ;1993);p .21

⁴⁹⁶ 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

dished out to powerful individuals and select groups in exchange as a reward for political support.⁴⁹⁷

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 chaos of happening. This state of affairs has made access, ownership and utilization of land controversial and an emotive issue.⁴⁹⁸

Kariuki furthered that; ethnic clashes based on land conflicts have recurred with no less devastating consequences in every elections that less taken place since. 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.⁴⁹⁹

In Mt. Elgon area, the colonial administration and subsequent colonial land policies created an avenue for the Bukusu to encroach on Sabaots familial land. In addition, the 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.⁵⁰⁰

Simiyu sheds more light on this; "...clashes between the Bukusu and the Sabaot occurred in November 1991. By March 1993 Sab "ot 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."⁵⁰¹

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 Sabaots.

⁴⁹⁷ Kariuki, S.M., *Op.cit*, pp. 6-10

⁴⁹⁸ Odhiambo, M.C., *Op.cit*, pp. 6-9

⁴⁹⁹ S.M. Kariuki., *Op.cit*, pp. 7-10

⁵⁰⁰ Mwasserah, 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

⁵⁰¹ Simiyu, R.R., *Op.cit.*, p. 52

4.3 The Land Question in Mt. Elgon Area

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

About the origin of the Bukusu Were states that; it would appear 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.⁵⁰²This is shared by an informant who emphasized that Mt. Elgon area was a Bukusu ethno-territory and the Sabaots intrusion in the area displaced them pushing them to eastern Uganda. The informant argued that the original name of Mt. Elgon was Mt. Masaba.

Khamala reinforces that; oral and written sources seem to contradict on whom between the Bukusu and Sabaots were the first to inhabit the present Bungoma and Mt. Elgon districts.⁵⁰³ On the other hand, Kakai presupposed a diametrically contradictory version stating that during the pre-colonial period pastoralist's communities particularly the Sabaots were the principal inhabitants of Trans-Nzoia District and by extension the current Mt. Elgon district but colonial policies dislocated and encouraged the Bukusu to settle in the area.⁵⁰⁴

Nonetheless, Makila refutes from the statement that; "the Bukusu were the original inhabitants of Trans-Nzoia districts particularly Uasin Gishu (Sirikwa settlement) and Mt. Elgon area."⁵⁰⁵This current study holds that, from Makila it would seem feasible that the Bukusu who were the original inhabitants of Mt. Elgon area were displaced by the Sabaots incursion in the area pushing them further to areas of modern eastern Uganda. 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.

The Bukusu and Sabaots have engaged in ethno-territorial conflicts in Mt. Elgon area. Ethno-territorial conflicts manifest through processes of residential segregation, conflicting group

⁵⁰²Were, G.S., *Op.cit*, p. 43

⁵⁰³Khamala, G., *Op.cit*, p. 93

⁵⁰⁴Kakai, P.W., *Op.cit*, p. 35

⁵⁰⁵ Makila, F.E., *Op.cit*, p. 7

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.⁵⁰⁶ Kakai states that; in 1946, the Bukusu and Sabaots clashed over Kimilili-Kamukuywa boundary with Sabaots accusing the Bukusu for encroaching on their land.⁵⁰⁷

An informant account elucidates that the Sabaots consider areas bordering Chwele, Cheptais, Kimilili and Chesamisi as the borderline between the Bukusu and the Sabaots. In addition, the informant described the Bukusu under the protection of the colonial chief Murunga, intruded on Sabaot land at the height of colonialism.⁵⁰⁸

Secondly, in 1965 the national government initiated the Chebyuk settlement scheme to integrate a Sabaots 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 a Sabaots 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.

Besides, it was also a compensatory move after the Sabaots lost chunks of land in colonial Trans-Nzoia at the height of the colonialism in Kenya in 1920's.⁵⁰⁹ Initially, land was identified in Nakuru and Uasin Gishu but the Sabaot group turned declined. 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 as Chebyuk Phase I Initial irregular, unregulated and delayed government allocation of land in Chebyuk Phase I settlement scheme led to the encroachment of the land by the Bukusu.⁵¹⁰

This indecisive and inept government move to resolve convincingly and conclusively the Sabaots intra-ethnic groups resettlement initiative according to an informant generated the 1968, 1975

⁵⁰⁶Cheweya, L: *Electoral Politics in Kenya*, (Nairobi: Claripress; 2000); p. 232

⁵⁰⁷Kakai, P., *Op.cit*, pp. 146-147

⁵⁰⁸Simon Ngeywa., *Op.cit*

⁵⁰⁹Simiyu, R.R., *Op.cit*, p. 14

⁵¹⁰UNDP/OCHA., *Op.cit*, p.16

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.⁵¹¹

An informant account established that, the Bukusu-Sabaot inter-ethnic conflicts in 1968 were caused by the claim by the Sabaots that the Bukusu encroached on their land at Chesokwa. The unoccupied land at Chesokwa was part of the land hived from the forest for settling the Sabaot intra-ethnic group (Ndorobo).⁵¹²

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.⁵¹³

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 Sabaots intra-ethnic subsets. This has been one the basis of the Bukusu-Sabaot inter-ethnic conflicts in Mt. Elgon area. The Sabaots 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.⁵¹⁴ 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.⁵¹⁵

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 especially when the government audit

⁵¹¹Peter Telewa: *The people of Mount* (Nairobi: Pauline publication; 2005); p. 105

⁵¹²Jennifer Chepkwemoi, (a CBO leader from Kapsokwony Kirong), interviewed on 13/3/2019

⁵¹³UNDP/OCHA., *Op.cit*

⁵¹⁴James Kimutai., *Op.cit*

⁵¹⁵ Imbuye, B., *Op.cit*, p. 107

precluded them from title deeds issuance. The disgruntled group petitioned their case to the president through area leaders, the presidential executive order 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.⁵¹⁶

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.⁵¹⁷

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 Sabaots 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.⁵¹⁸

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 to address their grievances.⁵¹⁹ An informant account sustained that the SLDF targeted the Bukusu because they were viewed as competitor to land acquisition and they impinged on the Sabaots familial land in Mt. Elgon area.⁵²⁰

This study holds that the Sabaots intra-ethnic settlement programme by the national government have contributed immensely to the land conflict between the Bukusu and Sabaots in Mt. Elgon

⁵¹⁶Simiyu, R.R., *Op.cit*, p.16

⁵¹⁷*Ibid* p.17

⁵¹⁸*Ibid*, p.22

⁵¹⁹*Ibid* p.23

⁵²⁰Patrick Kiprop., *Op.cit*

area. The affected Sabaots took to arms to fight for the return of their dispossessed land in Mt. Elgon area targeting the Bukusu because Sabaots perceive the Bukusu as their competitors in land acquisition in Mt. Elgon area. An informant account asserted that following the annulments of the Sabaots intra-ethnic groups resettlement, the Sabaots 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.⁵²¹

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.

4.4 Ethnicity in the Bukusu-Sabaot Inter-ethnic 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 homogeneous descent becomes the influence of mobilization and defence against land intrusion by members of a different ethnicity.⁵²²In 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. Newman states that; people tend to evaluate other cultures in comparison to their own. As children, most are taught that they live in their greatest tyranny on earth. Many also take pride in their religious racial or ethnic group or country is the best means that others are not the best.⁵²³

The society's cleavages created by the base/substructure conditions cultural heritage in the superstructure to be manipulated as a reason for mobilization to agitate for emancipation of the disadvantaged ethnicity.⁵²⁴Were 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

⁵²¹James Kimutai., *Op.cit*

⁵²²Lynch, 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

⁵²³ Newman, D.M.: *Sociology: Exploring the architecture of everyday life*, (Los Angeles: Sage publication.inc; 2012); pp. 114-379

⁵²⁴Bayart, J.F: *The State in Africa: Politics of Belly*. (New York: Longman; 1993); p. 55

shared beliefs, traditions and customs tend to eventually be promoted as an expression of national aspiration.⁵²⁵

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.⁵²⁶ Jones posits that; like ethnic groups, moreover, this identification is meaningless without another to define against oneself –there are no in groups without out groups.⁵²⁷

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.⁵²⁸ 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 quiet well advanced, if the relevant religious texts are granted credence.⁵²⁹

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.

Cheweya highlights that; colonial policies in Kenya as is in many other African countries confined communities in Kenya in exclusive native reserves not only to create room for commercial agriculture but also to ease of political control and accessibility of cheap labour. This marked the onset of refinement of ethnic boundaries.⁵³⁰

Colonialism brought along new systems of resource allotment and appropriation. Certainly, it essentially created misrepresentation in the local economy by disfranchising particular ethnic

⁵²⁵Were, E.M. and M.N. Amutabi., *Op.cit*, p.27

⁵²⁶Martin 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

⁵²⁷Jones, A., *Op.cit*, p. 427

⁵²⁸Ludeki Cheweya, *Op.cit*, p.93

⁵²⁹Jones, A., *Op.cit*

⁵³⁰Ludeki Cheweya., *Op.cit*

groups' access to resources and generating irregular circulation of social benefits. This connects with this study theory constructivism.⁵³¹ According to Ouma; ethnic conflicts in the region arise from the complex interplay between several variables (politics, cultural perception, territory issues and negative ethnicity)⁵³²

In Kenya, just before independence, ethnic communities amalgamated in both KADU and KANU to fight for liberation. After independence KANU and KADU unification in 1964 beckoned a sense of nationhood and illustrated a multi-ethnic political paradigm shift in Kenya's political history. Cheweya clears 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."⁵³³

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.⁵³⁴

An informant 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 Sabaots and the Bukusus 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 Sabaots claimed that Mt. Elgon area was their ethno-territory. As a proof, the Sabaots 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

⁵³¹Ludeki Cheweya, L., *Op.cit*, p. 91

⁵³²Martin Odhiambo Ouma., *Op.cit*, p. 82

⁵³³ Ludeki Cheweya., *Op.cit*

⁵³⁴Martin Odhiambo Ouma., *Op.cit*

European intrusion. The items were under the custody of one Enos Kiberenge _a Sabaot warrior.⁵³⁵ 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 grounds of recovering their land which had been alienated by the Europeans.⁵³⁶

Thus, during the 1963 Bukusu-Sabaot inter-ethnic conflict the Sabaots wanted to evict the Bukusu from their ethno-territorial land around Cheptais and Chesikaki.

An informant account point 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 Sabaots were enraged by the Bukusu pride and abusive nature; they also felt that the Bukusu were eating into their ethno-territorial land.⁵³⁷ Ouma posits that; expression of raw ethnic hatred, which is often a pretext for deeper hatred, induces ethnic conflicts⁵³⁸

This sparked the 1968 conflict at Chesokwa, the Bukusu were evicted and displaced in the conflict that ensued at Chesokwa in 1968. 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 Sabaots in revenge, ethnicity was at play as the Sabaots called the Bukusu *lamek* meaning alien.

Khamala explains the magnitude of the animosity that went beyond imaginable undertakings. For instance, the poisoning of water sources so other the other community (Bukusu) would suffer. A case in point is when the Sabaot knew that the Bukusu depend on rivers originating from sources located within Sabaot territory for drinking water "...the Sabaot would deliberately

⁵³⁵Edward Wanyonyi., *Op.cit*

⁵³⁶Truth Justice and Reconciliation Commission., *Op.cit*, p. 206

⁵³⁷John Musee., *Op.cit*

⁵³⁸Ouma, M.O., *Op.cit*, p. 99

contaminate the water at the source by dumping dead donkeys in it causing the community to be affected by typhoid.”⁵³⁹

The ethnic hatred between the Bukusu and Sabaot persisted in the 1975, 1991-1992, 2006-2008 conflicts. In 1991-1992 Bukusu-Sabaot inter-ethnic conflict in Mt. Elgon area, an informant account confirms that the Sabaots 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 Sabaots has labelled the Bukusu as proud and abusive who intruded on their ancestral land. 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 Bukus working in a farm in a village called Rwanda.

An informant account opened that the Bukusu have been viewed by the Sabaots as aliens and have been referred to as *lamek* –meaning aliens, this gesture of ethnic profiling has contributed immensely to the construction ethnic identities and Bukusu-Sabaot inter-ethnic land conflict in Mt. Elgon area.⁵⁴⁰ Wasike sheds further light on this in the statement that; there exists discontentment among different tribes in the area. Some tribes have been perceived to be intruders and therefore benefiting from what is not meant to be theirs.⁵⁴¹

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.

4.5 Government Policies in the Bukusu-Sabaot Inter-ethnic 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’ to resettlement programme Chebyuk settlement schemes. Lastly, claims of the government orchestrating the conflict for political ends.

⁵³⁹Geoffrey Khamala., *Op.cit*, p. cxiv

⁵⁴⁰James Kimutai., *Op.cit*

⁵⁴¹Charles Wasike., *Op.cit*, p. 42

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.⁵⁴²

Mutua writes that; soon after the decade of independence the 1960's –the short burst of enthusiasm was replaced by a long almost unremitting period of despair. Military coups, civil wars, repressive regimes, refugee flows and economic stagnation –soon came to define African state.⁵⁴³The 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.⁵⁴⁴

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. Land grabbing has its genesis in pre-independence Kenya when a small group of white settlers were allocated twenty per cent of Kenya's landmass consisting of the best agricultural land. The post-colonial government of Jomo Kenyatta used the land formerly held by settlers for patronage purposes-to solidify support and build alliances. This trend continued and intensified in the successive Moi regime. The Ndung'u Report demonstrates how illegal land allocations regularly

⁵⁴²Odinga, O: *Not Yet Uhuru*, (Nairobi: East African publishers; 1967); p. 253

⁵⁴³Makau Mutua: *Kenya's Quest for Democracy* (Kampala: Taming Leviathan; 2008); p. 2

⁵⁴⁴E. M. Were and M.N. Amutabi., *Op.cit.*, p. 69

increased around the time of competitive elections under Kenya's second president, Moi.⁵⁴⁵ The TJRC report indicates that 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.⁵⁴⁶

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 agitation Kenyan communities pressing for a return of their land that was by force and unreasonably taken away from them. There were also those who put their lives on line duty to fight for independence with expectancy that they would get back their alienated land.⁵⁴⁷ 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.⁵⁴⁸

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 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 Sabaot land by the allies of Kenyatta, Moi and Masinde Muliro continued.⁵⁴⁹ The post-independence government in Kenya allowed the culture of

⁵⁴⁵*Ndung'u report*, (Nairobi: Government printers; 2013); p. 1

⁵⁴⁶Truth Justice and Reconciliation Commission, *Op.cit*, p. 233

⁵⁴⁷*Ibid*, 206

⁵⁴⁸Collin Leys: *Underdevelopment in Kenya: The political Economy of Neo-colonialism* (Nairobi: Heinemann; 1976); p. 214

⁵⁴⁹Truth Justice and Reconciliation Commission., *Op.cit*, p.191

grabbing land by party henchmen and allies. Kidombo expounds on this; that, the grabbing of public land is a common feature perpetuated from the colonial times and perfected by the last two regimes ... most of the post-independence allocations were made to reward the politically correct individuals without due regard of the interests of the people of Kenya.⁵⁵⁰

The 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.⁵⁵¹

The failure by the government to satisfactorily address the colonial land injustices in Kenya was further worsened by the political merger of Kenya African National Union (KANU) 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.⁵⁵²

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.⁵⁵³ But, as Collin Ley puts it, this was far from the truth, as majority of KANU leaders harboured contradictory interests.

⁵⁵⁰Pius K. Kidombo: *The Architecture of Corruption in Kenya* (Nairobi: Sino printers and publishers; 2007); p. 24

⁵⁵¹Collin Leys., *Op.cit*, p. 214

⁵⁵²*Ibid*

⁵⁵³Simon Ngeywa., *Op.cit*

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.⁵⁵⁴

This was noticeably exposed instantaneously after independence in the way the antagonism between KANU and KADU was unexpectedly and painlessly dissolved and substituted by a much more irresolution and lasting hostility between the 'comprador' leaders of both KANU and KADU on the one hand and a group of radicals within KANU on the other hand.⁵⁵⁵

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 alienation of the remaining non Kenyan white settlers land and given to the landlessness Africans at no cost.⁵⁵⁶

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.⁵⁵⁷

The preceding establishes how national government at independence failed to solve the colonial land injustices especially in Mt. Elgon area. Ley added that; with the government support, other

⁵⁵⁴Collin Leys., *Op.cit*

⁵⁵⁵*Ibid*, p. 212

⁵⁵⁶*Ibid*, p. 227

⁵⁵⁷*Ibid*, p. 225

communities managed to appropriate, either individually or through land-buying companies, nearly all the former white settler-owned plantations in the Rift Valley.⁵⁵⁸

An informant account stated that the Sabaots were not resettled as expected but in their place the Bukusu were resettled in their familial land in colonial Trans-Nzoia that included Mt. Elgon. This created ethnic animosity and was instrumental in shaping the Bukusu-Sabaot inter-ethnic land conflicts in Mt. Elgon area.⁵⁵⁹

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 under the guise of African socialism was introduced.⁵⁶⁰

The unresolved historical land injustices in Mt. Elgon area by the state through impractical government policies sparks inter-ethnic conflicts as affected communities resort 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 Sabaots 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.⁵⁶¹

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 to resettlement of a 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

⁵⁵⁸*Ibid*, p. 57

⁵⁵⁹Patrick Kiprop, *Op.cit*

⁵⁶⁰Truth Justice and Reconciliation Commission, *Op.cit*, pp. 233-251

⁵⁶¹*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 in collision with authorities. Under influence of Daniel Moss, the Bok encroached on this Chebyuk Phase I and slowly outnumbered the Ndorobo.⁵⁶²

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.⁵⁶³

When Wilberforce Kisiero took over from Daniel Moss in 1979, he sought to address the plight of those deprived land on political grounds under the stewardship of Daniel Moss. Kisiero successfully petitioned the case of the deprived Sabaots. 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.⁵⁶⁴ Imbuye notes that;

An informant account states that the exercise was overseen by the former Provincial commissioner, Francis Lekoolool and District Commissioner William Chang'ole, but it was riddled with corruption until the frustrated Sabaots successfully protested the annulment of the exercise.⁵⁶⁵ Imbuye's study highlights that; during the 1992 general elections the Sabaots who had been left out of the allocation of the land ganged up with the Bukusu up against Kisiero who lost to Kimkung.⁵⁶⁶

An informant states that following the first multi-party elections in Kenya in 1992, Bukusu-Sabaot inter-ethnic conflicts broke out, the Bukusu were basically targeted by one faction of the

⁵⁶² Imbuye, B., *Op.cit*, p. 102

⁵⁶³ Simon Ngeywa., *Op.cit*

⁵⁶⁴ 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

⁵⁶⁵ Benjamin Kirwa., *Op.cit*

⁵⁶⁶ Imbuye, B., *Op.cit* pp. 105-6

Sabaot sub-tribe for working with their Sabaot rival ethnic groups in the geo-politics of Mt. Elgon area.⁵⁶⁷

According to a Key Informant, John Serut claimed that he delayed the phase three allocation because he wanted to protect the interests of one the Sabaot intra-ethnic groups (Soy). The Sabaot intra-ethnic group (Soy) invaded the Chebyuk Phase Three, 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.⁵⁶⁸ Imbuye reveals that, '...the government cancelled Chebyuk Phase I and two allocations and created Chebyuk phase III in 2002'.⁵⁶⁹

An Informant accounts spells out that corruption, nepotism and bribery 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 wanted to punish the Sabaot intra-ethnic group (Soy) for voting against the 2005 proposed constitution in the referendum.⁵⁷⁰ 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...⁵⁷¹

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

⁵⁶⁷James Kimutai., *Op.cit*

⁵⁶⁸Phillip Chemonges., *Op.cit*

⁵⁶⁹ Imbuye, B., *Op.cit*, p. 120

⁵⁷⁰Jennifer Chepkwemoi., *Op.cit*

⁵⁷¹ Imbuye, B., *Op.cit*, p. 107

court order.⁵⁷²The 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.⁵⁷³

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 wanted to expel the Bukusu from Mt. Elgon area which is perceived to be their ethno-territory.⁵⁷⁴

The government has also been indicted for instigating the 1992 ethnic clashes in Mt. Elgon area. During the 1992 first multi-party elections, the government fronted its candidates and manipulates 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.⁵⁷⁵ 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.⁵⁷⁶

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 rivalries between the Kalenjin and their non-Kalenjin neighbours.⁵⁷⁷Haugerud claims that, ...slow and half-hearted responses by the provincial administration and security personnel allowed the fighting to escalate, that arrested suspects were released before being charged in

⁵⁷²Agnes Masai, (a student from Kopsiro), interviewed on 20/2/2019

⁵⁷³UNDP/OCHA., *Op.cit*, pp. 17-8

⁵⁷⁴James Kimutai., *Op.cit*

⁵⁷⁵Charles Wasike., *Op.cit*, p.52

⁵⁷⁶Munene, M. : *Historical Reflection on Kenya: Intellectual Adventurism* (University of Nairobi: Politics & International Relations; University of Nairobi press; 2012); p. 87

⁵⁷⁷Angelique Haugerud: *The culture of politics in Modern Kenya* (London: Cambridge University press; 1993); p. 73

courts, and that youthful ‘warriors’ were hired and transported to clash areas from outside to reinforce the local ones.⁵⁷⁸

An informant narrated that, on the third day of the 1991-1992 Bukusu-Sabaot ethnic conflicts, police deployment was all over Chelebei and other hot spot 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 claim 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 in the area were Kalenjins. The officers thus discharged their sense of duty in favour of the Sabaots.⁵⁷⁹ Another account by Cheweya that is in support of the above is that, in response to the re-introduction of opposition in Kenya in 1991. KANU was reported to have adopted a strategy of repression and organized violence against opposition elements while blaming it on the opposition.⁵⁸⁰

Government involvement in intra-ethnic exposes its citizenry from an otherwise protector to a potential predator, is over-clouded with confusion as politics seeps in. 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. According to 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 Sabaots have conflicts with other tribes like the Teso and the Bukusu. They see them as aliens who are just after grabbing their land.⁵⁸¹

Informants affirmed that the hiving off of Mt. Elgon district from Bungoma district in 1993 heightened the Bukusu-Sabaot in-ethnic land conflict. The presidential decree was taken to mean

⁵⁷⁸*Ibid* p. 72

⁵⁷⁹Patrick Wekesa., *Op.cit*

⁵⁸⁰ Ludeki Cheweya., *Op.cit*, p. 99

⁵⁸¹ Charles Wasike., *Op.cit*, p. 6

Mt. Elgon area and apparently the land, belonged to the Sabaots.⁵⁸² Wasike confirmed that, since the clashes of the early 90s, Mount Elgon has achieved its own status as a district, and many residents' talks of a sense of triumph at finally being able to administer their land, though there is still a lot of concern over land shortage, as the population increases.⁵⁸³

An informant restated that; during the 2006/8 skirmishes in Mt. Elgon area, the conflict was generally intra-ethnic affecting the Sabaots sub-tribes but in the later stage of the conflict, the Sabaot Land Defence Force militia 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 Sabaots. The informants also claim that Sabaots use conflicts as an avenue to coerce the Bukusu, who in the long run are constrained to sell their land to them at a throw away price.⁵⁸⁴ 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. A 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 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.⁵⁸⁵

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 account states that the creation of Mt. Elgon district in 1993 by president Moi was interpreted by the Sabaots as a secessionist move to break away from the Bukusu, Mt. Elgon therefore, was a declared an a Sabaot ethno-territorial land.⁵⁸⁶ This further intensified Bukusu-Sabaot inter-ethnic land hostilities in Mt. Elgon area.

⁵⁸²Regina Namalwa, (an nurse from Kaptama), interviewed on 25/2/2019

⁵⁸³ Charles Wasike., *Op.cit*, p. 47

⁵⁸⁴ Lydia Chebe.t, *Op.cit*

⁵⁸⁵UNDP/OCHA., *Op.cit.*, p. 9

⁵⁸⁶James Kimutai., *Op.cit*

4.6 Colonial Legacy in the Bukusu-Sabaot Inter-ethnic Conflict

As discussed in the third 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 signed a treaty with Kirwangindet Kimingichi of Bok in Mt. Elgon area to secure the area for the British East Africa protectorate exploitation of Ivory and wildlife in the region...⁵⁸⁷

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 colonial recognition of Mt. Elgon area as their ethno-territory.⁵⁸⁸ 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.⁵⁸⁹

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 Buganda, his influence extended across Uganda border to the people on the slopes of Mt. Elgon.⁵⁹⁰

An informant account states that the Sabaot believe that the imposition of the non-Sabaots 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 move in to fill the vacuum.⁵⁹¹ Wanyage expounded that; during the colonial era, the Sabaot were ruled by

⁵⁸⁷Were, G.S., *Op.cit*, p. 157

⁵⁸⁸Patrick Kiprop., *Op.cit*

⁵⁸⁹The Truth Justice and Reconciliation Commission., *Op.cit.*, p. 305

⁵⁹⁰Bibiana 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

⁵⁹¹Simon Ngeywa., *Op.cit*

non-Sabaot Chiefs, and many feel that this was a scheme...aimed at making Mount Elgon a Bukusu area.⁵⁹²

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 Sabaots misconception was that Murunga was a Bukusu or he acted in favour and collusion with the Bukusu. Kipkorir opines that; the African chiefs were the pistons of the engine of colonialism. Their moving force was opportunism.⁵⁹³

Chief Murunga was ruthless entirely in carrying out the colonial orders for conscription, labour and collection of taxes. Murunga was practically lethal on the Sabaots, majority of the Sabaots 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 Sabaots to escape to Trans-Nzoia. The Bukusu took advantage of this by moving in to occupy land and homes deserted by the Sabaots.

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.⁵⁹⁴

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.⁵⁹⁵ Trace Hellen is of the opinion that; many Sabaots feel that white oppression was exchanged for worse oppression by the Bukusu. Some feel the settlers supported the Bukusu, and so increased Sabaot vulnerability to Bukusu dominance.⁵⁹⁶

⁵⁹²Peter Wanyage: *Tribal politics in North Rift* (Nairobi: RCC publication; 2005); p.46

⁵⁹³ Kipkorir, B.E, *Op.cit*, p. 11

⁵⁹⁴Peter Wanyange., *Op.cit*, p. 77

⁵⁹⁵Ludeki Cheweya., *Op.cit*, pp. 90-91

⁵⁹⁶Trace Hellen: *Culture and its implication in Kenya development: A case study of western Kenya* (London: Britley publication; 2004) p. 233

In 1902, the Commissioner ratified the crown 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 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.⁵⁹⁷ The TJRC reports that; during the colonial era, other communities began to move into Trans-Nzoia to work in the white farms notably the Bukusu community.⁵⁹⁸

Land that was appropriated during the colonial period led to the dislocation of some ethnic communities. These tensions were intensified during the post-independence period due to politicized and irregular sharing of socio-economic benefits.⁵⁹⁹ 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.⁶⁰⁰

To create the colonial Trans-Nzoia settlement scheme, the colonial government evicted the Sabaots in the operation dubbed, '*Elgon Maasai Kwenda.*' The operation was executed in inhumane manner which included confiscation of their livestock, some of the Sabaots were pushed to the Maasai native reserve others were evicted to Uganda and the rest forced back to Mt. Elgon area.⁶⁰¹ Harizon Malewa adds that; the Morris Carter Land Commission recommended that displaced Sabaots be compensated eight hundred thousand hectares of land for the loss in Trans Nzoia.⁶⁰²

The reparation was not effected as recommended by the Carter Land Commission, When Kenya attained her independence from colonial rule in 1963 many of the communities squatting in white farms bought land in Trans-Nzoia and the many land settlement schemes initiated in the region did not take into account the indigenous land rights of the Sabaot community.⁶⁰³ The

⁵⁹⁷ Kakai, P. W., *Op.cit*, p.104

⁵⁹⁸Truth Justice and Reconciliation Commission., *Op.cit.*, p. 206

⁵⁹⁹ Kakai, P. W., *Op.cit*, p.104

⁶⁰⁰ Ludeki Cheweya., *Op.cit.*, p.91

⁶⁰¹Truth Justice and Reconciliation Commission., *Op.cit*, p.189

⁶⁰²Harizon Malewa Chebukwabi: *The intrigue in the land Distribution in Mt. Elgon: who is to blame?* (Nairobi: Pauline publication; 2003); p. 57

⁶⁰³Truth Justice and Reconciliation Commission., *Op.cit*, p. 206

TJRC report indicates that; 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.⁶⁰⁴

The, dissatisfied Sabaots 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 on the construction of ethnic identities between the Bukusu and Sabaots and the Sabaots elites influence the aspects of ethnicity to violent fight for the return of dispossessed land. Figure 4.1 helps to show how white settlers were spaced in trans-Nzoia settlement during the colonial period.



Figure 4.1:Map of white settlers in colonial *Trans-Nzoia*

Source: Nabwera, (1987)

This historical injustice by the colonial government to the Sabaot in respect to land pitted the Bukusu and Sabaot in an ethnic conflict in 1963 in Mt. Elgon area. The Sabaots opposed the move by Masinde Muliro to make Kitale the headquarters of western and claim that Trans-Nzoia was the familial land for the Bukusu. The Sabaots decamped from KADU and joined KANU. On noticing that Matifari who was a KADU affiliate was contesting against Daniel Mossi for Mt.

⁶⁰⁴Truth Justice and Reconciliation Commission., *Op.cit.*, p. 206

Elgon constituency violence broke out. Matifari's or KADU's supporters houses were torched, property vandalized and their livestock raided; the whole strategy was to expel them from Mt. Elgon. They immediately labelled them as aliens or Bukusus who were to be evacuated from the area by the Sabaots.⁶⁰⁵ Cheweya reinforces that; colonialism created ethnic self-consciousness and steadily transformed discrete collection of clans, cleavages into an outfit readily tribal.⁶⁰⁶

An informant account states that the Bukusu-Sabaot inter-ethnic land conflicts witnessed in Mt. Elgon area in 1963, 1968, 1991-2, 2006-8 has a bearing to the colonial legacy.⁶⁰⁷ The Sabaots violently took arms to reclaim their perceived deprived land during the colonial regime. During the colonial period, the Sabaots were ruled by non-Sabaot chiefs who included Murunga, Jeremiah Kukubo and Jonathan Barasa, who aided the Bukusu to acquire land in Mt. Elgon area. Chief Jonathan Barasa precisely gave the Bukusu preference when land registration was incepted in 1956 to cushion them from eviction by the Sabaots. Ochieng expounds on this as follows;

...during the colonial period, inter-ethnic conflicts, were nurtured by the policies and condition, created by British colonial rule. First, the division of region into districts was done in a manner that did not take into account the interests of the communities concerned. Secondly, the imposition of foreign chiefs on some communities created mistrusts and hatred among the people of the communities concerned...the pattern of development during the colonial period was uneven with resulting disparities in resource and amenities between ethnic groups and districts.⁶⁰⁸

In constructivism theory of this study interpretation the Sabaot were unfairly deprived of their land during the colonial era by the Bukusu and the colonial government through land alienation. An effort for compensation as recommended by the Carter Commission was futile, this unresolved grievances later exploded into post-independence violent land conflict in Mt. Elgon area.

⁶⁰⁵ Arap Kisembe, B.B.C., *Op.cit*, 1978:123

⁶⁰⁶ Ludeki Cheweya., *Op.cit*, p. 93

⁶⁰⁷John Musee., *Op.cit*

⁶⁰⁸R.W. Ochieng; *Historical studies and social change in Western: Essay in memory of professor Gideon S. Were* (Nairobi: East African publishers; 2002); p. 269-270

4.7 Gender Dimension in the Bukusu-Sabaot Inter-ethnic Conflict

The Oxford Advanced Learners' dictionary defines 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...⁶⁰⁹

Among the Bukusu and Sabaots 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; 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.⁶¹⁰

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*.⁶¹¹ Khamala writes that; kinship groups such as the family, lineages, and clans that together constitute either the Sabaot or the Bukusu are characterized by power differentials in favour of men and this is one of the factors that inform and contribute to the construction of ethnic identities.⁶¹²

Gender dimensions illustrate the composition of family, lineage, clans, tribes and ethnicity based on the male members of the family. The father is the head of the family and children are his descendants 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 of constituted an ethnic group. Accordingly, Khamala confirms that; gender plays a decisive role in the construction of the family, lineage, clans, tribes and ethnic groups. Bukusu and Sabaot kinship system of classification reckons kin relations based on the idea that children are descend

⁶⁰⁹Joanna Turnbull *et al*: *Oxford Advanced Learner's dictionary of current English: International students edition 8th ed.* (London: Oxford University press; 2010); p. 622

⁶¹⁰Geoffrey Khamala., *Op.cit*, p. lxxi

⁶¹¹ Makila, P. W., *Op.cit*, pp.31-62

⁶¹²Geoffrey Khamala., *Op.cit*,

from father. As such, the family and kinship groups at broader level of understanding constitute an ethnic group.⁶¹³

An informant account asserts that the traditional land tenure system among the Bukusu and Sabaots is gender prejudiced. Only the male members of the society inherit land, portraying gender inequality and discrimination.⁶¹⁴ 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.⁶¹⁵

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.⁶¹⁶

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.⁶¹⁷ Even so, Berkely observes that; in practice, it seems that men and women increasingly play equal important economic role, particularly since education has altered the range of employment opportunities open to women.⁶¹⁸

Some years prior the Burundi annihilations and the Rwanda ethnic cleansing, pressure between the Tutsi and the Hutu had escalated to frightening level. Educated Hutu men were specifically targeted by the Tutsi controlled military in Burundi in 1972 after a mutiny by Hutu

⁶¹³*Ibid*, p. lxxii

⁶¹⁴Peter Wandabwa, (a retired District Officer from Kaptama), interviewed on 24/2/2019

⁶¹⁵Charles Wasike., *Op.cit*, p. 30

⁶¹⁶Geoffrey Khamala., *Op.cit*, cxiv

⁶¹⁷Nyerere, J.K: *Socialism and Rural Development in Ujamaa Essays on Socialism*, (London: Oxford University press; 1968); pp.106-144

⁶¹⁸Hans Berkely: *The inter-play between women empowerment in Kenya: A case of western province* (New York: Brett publication, 2004); p. 21

radicals.⁶¹⁹ Kaarsholm furthers that; during the Rwanda genocide in 1994, Tutsi and Hutu moderate males were also the target of Hutu extremists.⁶²⁰

An informant accounts confirms the Bukusu and Sabaot inter-ethnic conflict in Mt. Elgon area has been between men. In 1963, Chesikaki was one of the hot spots of Bukusu-Sabaot conflicts. Both 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.⁶²¹ The UNDP/OCHA further reports that; the mobilization of young men to join militias, under blessings of some elders (Loibons), it is appreciated that the armed struggle for the land was male dominated.⁶²²

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 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 taken away from the Bukusu, the Bukusu noticing that Sabaots had guns and were using the Kutere route back to Marseek; the Bukusu ambushed and attacked an unaware Sabaots at *Keptunguru* making away with about seven cattle. At Chelebei hot spot in 1975, the informants narrates 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.⁶²³

Khamala's field data expounded that; the Bukusu and Sabaot ethnic conflict of 1991/1992 had an explicit gender dimension given the involvement of related young males between fourteen and thirty five years who played a major role in coordination and conduct of the mayhem.⁶²⁴

⁶¹⁹Kaarsholm 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

⁶²⁰*Ibid*

⁶²¹Electina Nasimiyu., *Op.cit*

⁶²²UNDP/OCHA., *Op.cit*, p. 25

⁶²³Edward Wanyonyi., *Op.cit*

⁶²⁴Khamala, G. *Op.cit.*, p. cxii

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 gender imbalances, to fuel tensions and conflicts in political and economic realm.⁶²⁵ on the same issue, Khamala' research found out that both men and women play significant roles in the perpetuation of acts of violence...in the past women sometimes accompanied men to battle and often shouted to urge warriors on. During such occasions sometimes, women went out in front or they would be shamed before their wives and girlfriends.⁶²⁶

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).⁶²⁷ Kaarsholm confirms that; women implicitly support and pro-long communal conflicts given the role that they play in socialization and transmission of cultural values.⁶²⁸

While *Morans* (warriors) have been prepared to be on war-alert at all times. Even militia leaders respect the voices of their senior female relatives.⁶²⁹ 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.⁶³⁰

4.8 The Political Factor in the Bukusu-Sabaot Inter-Ethnic Land Conflicts

The electoral cycle in Kenya has witnessed politically and ethnologically inclined conflicts since independence. The political climate around electioneering period across the political divide has always escalates into inter-ethnic tensions and violence especially in hotly contested presidential polls. Njogu shares that; Kenya has witnessed politically and ethnically instigated conflicts

⁶²⁵*Ibid*, 56-108

⁶²⁶*Ibid*

⁶²⁷UNDP/OCHA., *Op.cit*, p. 25

⁶²⁸Kaarsholm Preben., *Op.cit*, p.3

⁶²⁹UNDP/OCHA., *Op.cit*, p.21

⁶³⁰ Electina Nasimiyu., *Op.cit*

before and after every presidential and general election held in 1992, 1997, 2002 and 2007, especially in western Kenya, Rift Valley and Coast region...⁶³¹

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.⁶³² Giddens expounds that; political calculations is a reason for inter-ethnic conflicts...wars are engaged in by organized social groups are fought because political calculations are made about the like hood or success and decisions taken by leaders. They require economic resources to be committed and they usually play on real, perceived or created cultural differences in order to mobilize population emotionally.⁶³³

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 diffused, checked and balanced the less it will aggress on others and commit homicide.⁶³⁴

The land question in Kenya is a colonial construction and it featured flagrantly during the Lancaster House Conferences in London. It has been widely expected that a Majimbo government would solve the land of 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

⁶³¹K. Njogu: *Citizen Participation in Decision Making towards inclusive development in Kenya* (Nairobi: Twaweza communication; 2013); p. 81

⁶³² Jeremy Lind and Kathryn Sturman: *The Ecology of African conflicts*, (Pretoria: University of Pretoria, Institute of security studies; 2002); p.110

⁶³³ Giddens, A., *Op.cit*, p. 1027

⁶³⁴Jones, A., *Op.cit*, p. 588

process.⁶³⁵ The TJRC report sheds more light on regional government solution to solve the land question in Kenya as follows, That, when President Kenyatta took over power, he promised the people of Kenya that there would be regional governments through which communities/tribes would regain and exercise control over land.⁶³⁶

Prior to Kenyatta's pronouncement, the issue of land 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.⁶³⁷ 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 1963.⁶³⁸ The Sabaots took advantage of the 1963 parliamentary election between Daniel Moss of KANU, a Sabaot and 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.⁶³⁹ Cheweya noted that; politicians employ ethnic identity to aggrandize economic and political power while pretending to be acting on behalf and benefit of their respective ethnic communities.⁶⁴⁰

Another informant states that the Sabaots were opposed to KADU and its Majimbo philosophy because they feared that Bukusus would marginalize their land rights, especially after they unsuccessfully lobbied to be annexed to Rift Valley province.⁶⁴¹

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; the reference point in Kenyan politics is ethnicity disguised as party politics. Elections do not therefore

⁶³⁵Mkandawire, 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

⁶³⁶Truth Justice and Reconciliation Commission, *Op.cit*, p. 306

⁶³⁷Kakai, W. P., *Op.cit*, pp.140-141

⁶³⁸Simon Ngeywa., *Op.cit*,

⁶³⁹ Arap Kisembe, B.B.C., *Op.cit*, p. 123

⁶⁴⁰ Ludeki Cheweya., *Op.cit*, p. 92

⁶⁴¹John Musee., *Op.cit*

reflect party interest. Instead, they reflect the wishes of ethnic groups; indeed, all political parties are ultimately built on ethnic foundation.⁶⁴²

A global pressure group that advocated for the restoration of democracy appeared 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 politicians to demand for the repeal of section two A in the Kenyan constitution to allow multi-party democracy. Local and international pressure, especially from donor organizations and countries forced Moi to finally cave in.⁶⁴³ Odhiambo states that; eventually, the KANU government gave in to these pressures, amended Section 2A of the Constitution and permitted multi-party politics at the end of 1991.⁶⁴⁴

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.⁶⁴⁵ 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.⁶⁴⁶

The unresolved question of land cropped up at the height of the clamour for multi-party politics in 1992. The TJRC report points out the critical linkage between the unresolved land question, multi-party politics and ethnic violence in Kenya.⁶⁴⁷ 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 by regionally. This reverberated in Mt. Elgon area. Those who opposed plural democracy rooted for Majimboism, which they projected would unravel the historical land injustices.⁶⁴⁸

⁶⁴²Ludeki Cheweya., *Op.cit*, p. 96

⁶⁴³Odhiambo, E.S.A. :*Makers of Kenya's History* (Nairobi: East African Education Publishers; 2003); pp.30-31

⁶⁴⁴*Ibid*, p. 30

⁶⁴⁵*Ibid*

⁶⁴⁶ Ludeki Cheweya., *Op.cit*, p. 95

⁶⁴⁷Truth Justice and Reconciliation Commission., *Op.cit*, p. 305

⁶⁴⁸*Ibid*, P. 307

The TJRC report further elaborates that, the December 1992 violent conflicts spread to Mount Elgon and Bungoma districts between the pro-Majimbo Sabaots and Teso and the pro-FORD Bukusu.⁶⁴⁹

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 conflict between affected communities rise against those perceived as outsider invaders of other people's 'homelands' has often been expressed through politics.⁶⁵⁰

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 emerged as whether they had acquired guns from Uganda or had been given by the KANU government. The Sabaots attacks intensified; Sabaot attacked and killed Bukusus indiscriminately in Chebonde, Chesikaki, Rwanda, Kikai and Kutere.⁶⁵¹

I support of the above, 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

⁶⁴⁹*Ibid*, p. 307

⁶⁵⁰*Ibid*, p. 306

⁶⁵¹Regina Namalwa., *Op.cit*

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.⁶⁵²

The re-introduction of multiparty politics in Kenya was a blessing in disguise as ethnic bigotry reared its ugly face in the Kenya political landscape. It gave latitude 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.⁶⁵³

The TJRC further disclosed that; political leaders are determined to take cover under politics and related debates to address land problems through all means, including violence. Yet all post-independent governments in Kenya have had adequate chances and means to address the problems with finality.⁶⁵⁴

It was also misconceived that the aggrieved communities would repossess back their alienated land during the colonial and post-colonial regimes in Kenya.⁶⁵⁵ The TJRC report faults the government response to ethnic violence as half-hearted often engaging in blame-games with political leaders in the opposition parties. The opposition also counter-accused Moi government of facilitating ethnic conflicts to prove his earlier predictions that multi-parties would create violence in the country.⁶⁵⁶

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 lead 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.⁶⁵⁷ This is noted in the TJRC report

⁶⁵² Ludeki Cheweya., *Op.cit.*, pp. 95-99

⁶⁵³ Harizon Malewa Chebukwabi., *Op.cit*, p.102

⁶⁵⁴ Truth Justice and Reconciliation Commission., *Op.cit*, p. 306

⁶⁵⁵ Angelique Haugerud., *Op.cit*, pp. 31-56

⁶⁵⁶ The Truth Justice and Reconciliation Commission., *Op.cit*, p.309

⁶⁵⁷ *Ibid*, p.310

which potent that the constitutional referendum held of 2005 failed to gather enough public support for a new constitution and the people of Kenya were left with no constitutional basis for addressing land issues.⁶⁵⁸

The formation of Orange Democratic Movement (ODM) in the aftermath of the constitutional referendum was an array of hope by the many communities in Kenya, who believed in that an Orange Democratic government would address the historical land injustices in Kenya since the colonial era. In Mt. Elgon area the Sabaots were pro Orange Democratic Movement (ODM) while the Bukusu were pro Party of National Unity (PNU).⁶⁵⁹

The TJRC report states that; the unprecedented violent activities of various militia groups nearly drove Kenya to a civil war between December 31, 2007 soon after, the disputed presidential results, a report of the commission that investigated post-election violence in Kenya traces roots of the 2007-2008 violence to inequalities in land acquisition and settlement.⁶⁶⁰

An informant account recapitulates that the Bukusu 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 Union (ODM) government would solve their historical land question in Mt. Elgon area.⁶⁶¹

The promulgation of the new constitution in 2010 steered in a new legal framework as regards land in Kenya. The new dispensation in article sixty three and sixty seven admits 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 mandate to embolden the application of traditional dispute resolution mechanism in land conflicts. Sadly, this constitutional milestone, does not offer clarification on the historical land question in Kenya.⁶⁶²

Reputable judicial and parliamentary commission suppositions allude to land, at the centre of inter-ethnic controversies. They have projected that a resolution to historical land problems will

⁶⁵⁸*Ibid*

⁶⁵⁹*Ibid*

⁶⁶⁰*Ibid*, p. 258

⁶⁶¹Lydia Chebet., *Op.cit*

⁶⁶²The constitution of Kenya 2010, (Nairobi; Government printer; 2010); p. 48

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.⁶⁶³

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.⁶⁶⁴

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 Bukusu-Sabaot inter-ethnic conflicts for certain vested interests which included acquiring large tracts of land in Mt. Elgon area.

4.9 The Infiltration of Small and Light Arms

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 into escalation of inter-ethnic conflict in Kenya and beyond. Imbue attributed this proliferation to the many years of war and instability in Uganda, particularly northern Uganda between the Lord's Resistance Army (LRA) led by Joseph Kony, an assumed relative of the Sabaot and the government of Uganda.⁶⁶⁵

This window of prospect enriched the proliferation of Small Arms and Light Weapons in Mt. Elgon area expressly at the advent of multi-party democracy in Kenya. The Sabaots in particular have been the key beneficiaries of this despicable cycle. Simiyu adds that; the history of militarization of the Sabaot has been facilitated by the proliferation of Small Arms and Light Weapons (SALW) along the Kenya-Uganda border.⁶⁶⁶

⁶⁶³Muoka, 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)

⁶⁶⁴Simon Ngeywa., *Op.cit*

⁶⁶⁵Imbuye, G., *Op.cit*, p. 125

⁶⁶⁶ Simiyu, R.R., *Op.cit*, p. 53

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 Sabaots were given guns by their Sebei cousins.

According to an informant account, guns were first used by the Sabaots 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.⁶⁶⁷ The UNDP/OCHA also hinted on the possibility of illicit firearms from Pokot finding their way into Mt. Elgon area.⁶⁶⁸

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; Phillip Shadrack was killed by an arrow shot. Permanent houses became hideouts for the Bukusus, others who were not so lucky but survived arrow shots include Joshua Wepukhulu, John Simiyu and Wanyonyi Walubengo.⁶⁶⁹

In 1990's an outlawed group, 'February Eighteen Movement' emerged under the stewardship of brigadier Odongo and 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.⁶⁷⁰ The 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.⁶⁷¹

⁶⁶⁷UNDP/OCHA., *Op.cit*, pp. 22-36

⁶⁶⁸*Ibid*, p. 36

⁶⁶⁹Benjamin Kirwa., *Op.cit*

⁶⁷⁰*Ibid*

⁶⁷¹*Ibid*

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 rivalries between the Kalenjin and their non-Kalenjin neighbours. Informant account by extension confirms such insinuations in Mt. Elgon area. Sabaots 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.⁶⁷²

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.⁶⁷³ 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 of one hundred assorted weapons (including bazookas, rocket propelled grenades, jumping mines and AK forty seven) and one thousand one hundred and fifty three pieces of ammunitions.⁶⁷⁴

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 to ammunition, although the AK47 and other guns are easily accessible from volatile nations such as Somalia...⁶⁷⁵

The proliferation of the Small Arms and Light Weapons (SALW) in Mt. Elgon area since 1990's has empowered the Sabaots to arms themselves against the Bukusu on grounds that the Bukusu encroached on their land during colonial and post-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 common criminals, but later changed to treating them as organized

⁶⁷²Angelique Haugerud., *Op.cit*, p.73

⁶⁷³UNDP/OCHA., *Op.cit*

⁶⁷⁴*Saferworld, Western province (Mt. Elgon scooping: 2007); pp. 3-20*

⁶⁷⁵Un-reported world -10/1 –'Kenya's Human Time bomb.' channel 4. 22 April 2008

group. An Amnesty offered KSH 2650 (USD 2.65) to fighters to surrender their weapons, but no weapon were surrendered...⁶⁷⁶

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 in Mt. Elgon area, following the eruption of yet another militia, Forty two brothers in Mt. Elgon area in 2017 emerged.⁶⁷⁷

4.10 Religious and Traditional Methods of Intervention in the Conflict

The Roman Catholic Church (RCC) was instrumental conflict intervention and mitigation. The church premises housed Internally Displaced Persons (IDPs) at the height of the Bukusu-Sabaot inter-ethnic conflict, Wachege and Nyongesa, states that the Roman Catholic Church's(RCC) premises became an oasis of peace and welfare centres in accommodating an overwhelming number of the Bukusu-Sabaot inter-ethnic escapees virtually reducing it to a refugee camp.⁶⁷⁸

The Roman Catholic Church was overstretched in handling big numbers of Internally Displaced Persons, through the activities 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. (Wachege& Nyongesa, 2018)

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.⁶⁷⁹

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.⁶⁸⁰The 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

⁶⁷⁶Amos Kareithi & Isaiah Lucheli (10th April 2017). "SLDF militia a force to reckon with" – *the Standard*.

⁶⁷⁷*The Standard* 28th February, 2018; *Daily Nation* 8th April, 2018; *Daily Nation* 3rd May, 2018

⁶⁷⁸Wachege 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

⁶⁷⁹Wachege P.N. and Kubet, L.N., *Op.cit*, p. 66

⁶⁸⁰ James Kimutai., *Op.cit*

who confessed their evil deeds and convinced the community to bear with their past.⁶⁸¹ 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 provide necessary support to them for instance food, clothing and shelter from her meagre resources.⁶⁸²

An informant account stated that the Roman Catholic Church at Kibuk provided shelter, food, and medical supplies as well as was at the centre of conflict mitigation.⁶⁸³ The RCC as an institution has taken a commendable responsibility to make necessary effort and calling for peace throughout the universe. In Mt. Elgon particularly the RCC in Cheptais, she has been seen preaching peace and promoting unity upon the family to embrace reconciliation and healing.⁶⁸⁴ 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.⁶⁸⁵

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.⁶⁸⁶ 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.⁶⁸⁷

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 Loibons of their tracts of land in Chebyuk

⁶⁸¹*Ibid*, pp. 66-67

⁶⁸²*Ibid*, p. 68

⁶⁸³Electina Nasimiyu., *Op.cit*

⁶⁸⁴*Ibid*, p.70

⁶⁸⁵UNDP/OCHA., *Op.cit*, p. 31

⁶⁸⁶*Ibid*

⁶⁸⁷Patrick Kiprop., *Op.cit*

Phase III process of their tracts of land in Chebyuk Phase III process was a major accelerant of the conflict.⁶⁸⁸

The immensity of the Loibons authority and power overshadowed the church leaders' influence in Mt. Elgon in the thick of the conflict. As much, it has been observed that the credibility of churches dwindled as the power of traditional leaders was elevated.⁶⁸⁹ 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.⁶⁹⁰ 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.⁶⁹¹

This study thus holds that; religious leaders have played some role in facilitating dialogue at various levels. Some inter-community problem solving sessions were supported by faith-based organisations, while some recognised religious leaders engaged SLDF in dialogue. These efforts achieved some results some of the militia demands and the SLDF command structure was understood, and dialogue sessions that involved the provincial administration began narrowing points of difference as solution were sought.

4.11 Effects of the Bukusu-Sabaot Inter-ethnic Conflicts

Mt. Elgon conflicts have displacement scores of people since independence. The informants' explanations come to an agreement that the Bukusu have been the most affected in this development. Most of the Bukusu ever since 1992 in Mt. Elgon area have disposed of their land at the throw away price as the conflicts certainly recur in the area.⁶⁹²

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) and resulted in...the spill-

⁶⁸⁸UNDP/OCHA., *Op. cit*, p. 31

⁶⁸⁹*Ibid*

⁶⁹⁰James Kimutai., *Op.cit*

⁶⁹¹UNDP/OCHA., *Op.cit*

⁶⁹²*Daily Monitor*, 17 March 2008

over effects of the conflict were felt in Bungoma District and in Kwanza, in the west of Trans-Nzoia District.⁶⁹³

Mt. Elgon conflicts have also caused physical bodily harm and loss of life. Informant accounts specified that the 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.⁶⁹⁴ 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.⁶⁹⁵

The actual number of deaths as a result of the 2006-2008 conflict in Mt. Elgon is yet to be established, but according to the Human Rights Watch, approximately six hundred people were killed by SLDF. There were others who were maimed, had their ears chopped or tortured as a way of punishing them. As a result, the number of widows and orphans surged in the district.⁶⁹⁶

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, those who fled shelters were vandalized and looted.⁶⁹⁷ Sibomana argues that; every war drags in its wake share of unscrupulous opportunity and greedy vultures...⁶⁹⁸

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.⁶⁹⁹

⁶⁹³Kenya Red Cross Society, *Mount Elgon Clashes Status report*, 4th April, 2007

⁶⁹⁴Namulunda Florence: *The Bukusu of Kenya* (North Carolina: Carolina Academic press; 2011); p. 119

⁶⁹⁵*Ibid*

⁶⁹⁶*Human rights watch, All Men Have Gone War Crimes in Kenya's Mt. Elgon conflict 2008*

⁶⁹⁷Kennedy Ndiema, (an NGO worker; Saferworld from Kapsokwony), interviewed on 12/3/2019

⁶⁹⁸ Sibomana, R.: *Hope for Rwanda* Dar es Salaam: Pluto Press; 1999); p. 103

⁶⁹⁹International Rescue Committee: Kenya Humanitarian Assessment Mount Elgon District 2008

The conflict in Mt. Elgon area interrupted livelihoods for the most part the agro-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.⁷⁰⁰ 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. 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.⁷⁰¹

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 militia.⁷⁰² 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.⁷⁰³

Trauma and stress expressly during the Sabaot Land Defence reign of terror exposed victims to untold torture and emotional torture. Informants reach agreement that the Sabaot Land Defence Force committed heinous human abuse; the militia became established informal law and established an extra-judicial system that included amputations, maiming and others witnessed the execution of their kin. Those who went through such ordeal remained traumatised and lived in fear of the Sabaot Land Defences Force.⁷⁰⁴

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 get killed by SLDF. One informant during the research narrated how one morning she was picked by three young men from SLDF on the account of being an informer with local

⁷⁰⁰Simon Ngeywa., *Op.cit*

⁷⁰¹International Rescue Committee., *Op.cit*

⁷⁰²Daily Nation, 6 April 2008

⁷⁰³UNDP/OCHA., *Op.cit*, p. 11

⁷⁰⁴Benjamin Kirwa., *Op.cit*

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.⁷⁰⁵

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 under serving 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”.⁷⁰⁶

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 informants accounts upset normalcy.⁷⁰⁷ Dispensation of the basic social services like health and education was 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”.⁷⁰⁸

The militia and chiefly the Sabaot Land Defences Force (SLDF) in Mt. Elgon area basing on informants 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 unofficial ‘taxation’ of the local residents, and has implemented a parallel administration.⁷⁰⁹

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

⁷⁰⁵Human Rights Watch., *Op.cit*

⁷⁰⁶UNDP/OCHA report., *Op.cit*, p.18

⁷⁰⁷Jennifer Chebet., *Op.cit*

⁷⁰⁸Andres Sibomona: *Hope for Rwanda*, (Dar es Salam: Pluto; 1999); p. 103

⁷⁰⁹Josphat Makori (11th February 2008). ‘Kenyan militia strike back’. *BBC News*. Retrieved 2019-2-28

narrative of a state persecuting a community exacerbating further deep resented sentiments of marginalization and historical injustice.⁷¹⁰

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.⁷¹¹

An informant account stated that the military operation was carried out 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.⁷¹²

4.12 Conclusion

This Chapter has established how aspects of ethnicity, government policies, colonial legacy, gender dimension, infiltration of fire arms interact with the land question in the countenance of the Bukusu-Sabaot inter-ethnic land conflict in Mt. Elgon area. The Chapter paid attention the pre-colonial and colonial land question in the development to the post-independence land question in the Bukusu-Sabaot inter-ethnic conflict.

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. It is the position of tis study that in as much as pre-colonial societies were conscious of ethnic identities, colonial administration policies and appropriation of resources discriminated one ethnic group in favour of the next. In Mt. Elgon area the Sabaots felt marginalized by the Bukusu at the behest of the colonial administration. During the colonial period, the Mt. Elgon area colonial chiefs were mostly Bukusu or non-

⁷¹⁰*East African Standard*, 6 April 2008; *Human Rights Watch* (2008:4); *East African Standard*, 17 May 2008; *KNCHR* 2008:11; *IMLU* 2008:8

⁷¹¹ Simiyu, R.R., *Op.cit*, p. iv

⁷¹²Jennifer Chebet., *Op.cit*

Sabaots who created window for the Bukusu to move in Mt. Elgon area and acquire land. Chief Suleiman Murunga in particular was ruthless against the Sabaots, prompting them to flee to Trans Nzoia, the Bukusu utilized the opportunity to move in and fill the vacuum created by the fleeing Sabaots. Chief, Jeremiah Kukubo and Jonathan Barasa encouraged the Bukusu to acquire land in Mt. Elgon area through buyout arrangements with the Sabaots. The Sabaots claim the Mt. Elgon area is their ethno-territorial land. Sabaots 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 Sabaots label the Bukusu as proud *lamek* (aliens) and abusive, while the Bukusu refer the Sabaots 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 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 asserted that initiative by the Kenyan government to settle the Sabaots 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 Sabaots 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 Sabaots 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 advent of multi-party democracy was tainted with controversy. Opposition blamed the KANU government for orchestrating inter-ethnic 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 Sabaots to displace the Bukusu in the area.

The study emphasized that infiltration of Small Arms and Light Weapons escalated the Bukusu-Sabaot inter-ethnic 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 enables 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 stressed that gender aspect is vital in the Bukusu-Sabaot inter-ethnic land conflict, as boys are socialised to defend their community at puberty among the Bukusu and Sabaots. Patriarchy is prevalent among the Bukusu and Sabaots 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, conclusions 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 by both the colonial and post-colonial governments.

5.2 Summary of 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 questions as follows.

5.2.1 How did patterns of settlement, interaction and establishment of colonial rule affect relationships during the pre-colonial period?

The naming of Mount Elgon by Joseph Thompson in 1890 after a Sabaot intra-ethnic group (Kony), significantly contributed to the land question in Mt. Elgon area. This gives the Sabaots confidence to claim that Mt. Elgon area is their ethno-territory.

The study finds that colonial restructuring and imposition created structural conflicts between the Bukusu and Sabaots. Foreign chiefs were imposed on Sabaots who by design or default aided the Bukusu to acquire land in Mt. Elgon area. In such cases, the Sabaots were forced to flee from their land courtesy of the brutality of colonial administration chiefs like Suleiman Murunga, Jeremiah and Jonathan Barasa. The Bukusu moved in Mt. Elgon area to fill the vacuum left by the fleeing Sabaots.

The study also finds that conflict between the Bukusu and Sabaots is inherent in the pseudo names given to each other. For instance, the Sabaots call the Bukusu *Ketosh* while the Bukusu call the *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, Sabaots, 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 Sabaots 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 Sabaots, 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 Sabaots.

The study embraces that the Bukusu learnt the art of circumcision from the Sabaots. Circumcision of male members of the society among the Bukusu and Sabaots 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 Sabaots also prepared the boys into the warrior-ship, which greatly contributed to the general warfare among the two communities.

The study also discovered that the Sabaots 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 Sabaots.

The study while acknowledging that the Bukusu spread the idea of iron working to the Sabaots, 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 Sabaots heavily borrowed words from each other, some words have been misused to construct ethnic identities between the Bukusu and Sabaots. The Sabaot refer to the Bukusu as *lamek* meaning aliens. This implies that the Bukusu impinged on the Sabaot familial land.

The study also finds that during the cease fire period (peace time), the Bukusu moved and occupied the unoccupied lands of Mt. Elgon area; owing to the fact that the Sabaots were initially pastoralist; Sabaots also willingly gave the Bukusu land in areas infested with warthogs (*Chimbichi*).

5.2.2 How did the establishment of colonial rule, Christianity and formation of early political association impact the Bukusu-Sabaot relationship in the colonial period?

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 Sabaots to flee from Mt. Elgon area to Trans-Nzoia giving the Bukusu opportunity to move in and occupy the land in Mt. Elgon area.

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 Sabaots from their land in colonial Trans-Nzoia which initially extended to Mt. Elgon area then 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 Sabaots forced Korus, an influential man among the Sabaots to move away from Mt. Elgon area to Trans-Nzoia giving the Bukusu latitude to move in and occupy the vacant lands left by Korus and his followers.

The Sabaots claims 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 Uganda and others condemned to Maasai reserve in Narok in 1931. Even though, the Carter Commission recommended that the Sabaots 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 Sabaots were excluded from the benefits of Native Land Ordinance of 1938 which advocated for settlement of evicted native Africans.

The Sabaots 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 Sabaots consider Trans-Nzoia their ethno-territory even if the Bukusu contest this as fallacies.

The Sabaots 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 How did politics, government policies, ethnicity, gender dimensions, colonial legacy dimensions and infiltration of small and light Weapons impact the Land question in the post-independence Bukusu-Sabaot conflict?

This study finds 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 Sabaots is in twofold; Mt. Elgon area as an ethno-territorial contest between the Bukusu and Sabaots and 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 Sabaots who missed out in the dish out exercise take 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 Sabaots 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 Sabaots 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 Sabaots 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 are for their own political capital. Such cases are common around the electioneering period. A consistent pattern indicates that Bukusu-Sabaot inter-ethnic conflicts recur around the election season, i.e. 1963, 1968, 1975, 1992 and 2006. The Bukusu and Sabaots have also been harbouring diametrically opposing political ideologies and have belonged to different party formations since independence.

Small and Light Arms (SLAs) 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 well thought disarmament strategy at the end. The government is also accused of arming the Sabaots in 1990's to protect themselves against the Bukusu, who were aligned to the opposition (politically); in the general elections to forcibly move them around elections at the behest of the government for political gains.

5.3 Conclusion

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 by 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 Constructivists Theories of ethnic conflicts were therefore appropriate in explaining the conflict dimensions between the Bukusu and Sabaots.

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 displacement of people, 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 has been presumed to have 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 have 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 adopt 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) but 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 nature of land-related violence often coinciding with general elections and other critical moments in Kenya's national politics, indicate that there may be more to it than just land disputes or pure intercommunity hatred.

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 Sabaots, it is against this backdrop that this 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 in 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 momentarily reprieve 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 of 2013 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 as much as possible to cover as much as it could in line with the research title; there are other key areas that 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.

1. This research identified ethnicity in politics as a piston that drives the Bukusu-Sabaot inter-ethnic conflict engine in the manifestation of the conflicts. The proposed study should probe the place of ethnic politics in finding a lasting solution to the conflict.
2. This research also acknowledged the central role played by personalities in the development of the intra-ethnic and inter-ethnic conflicts in Mt. Elgon area. The individuals included the elites, politicians, Loibons and militia or gang leaders. A study about their participation is necessary in understanding the conflict dimensions.
3. This study also recognized the gravity of the military deployment in the area as conflict mitigation measure. The military deployment even though stopped the conflict; it however faces criticism due to the atrocities of human rights violations. This is an area that should be studied to inform in future.

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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
<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 lwa 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 analysis 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 the patterns of settlement, interaction and establishment of colonial rule affect the relationship between the Bukusu-Sabaot during the pre-colonial period?

1. Explain how the establishment of colonial rule affected the Bukusu-Sabaot relationship during the pre-colonial period?
.....
2. Describe how the migration and settlement affected the Bukusu-Sabaot relationship during the pre-colonial period
.....
3. Explain the how socio-political and economic interaction affected the Bukusu-Sabaot relationship during the pre-colonial period?
.....
4. Describe how land affected the Bukusu-Sabaot relationship in Mt. Elgon area during the pre-colonial period?
.....

Section B:

How did the establishment of colonial rule, Christianity and *Dini ya Musambwa* (DYM) impact the Bukusu-Sabaot relationship in the colonial period

1. How did the colonial land policies affect the Bukusu-Sabaot relationship during colonial period?

.....

2. Describe how the establishments of Christianity in Mt. Elgon area affected the Bukusu-Sabaot relationship during the colonial period?

.....

3. How did the clamour for independence in Kenya and the introduction of *Dini ya Musambwa* affect the Bukusu-Sabaot relationship in Mt. Elgon area?

.....

4. How did the African representation in the Legislative Council (LEGCO), affect the Bukusu-Sabaot relationship in Mt. Elgon area during the colonial period?

.....

5. How did the Lancaster House Conferences, Lyttleton and Lenox Boyd and independence constitutions affect the Bukusu-Sabaot relationship during the colonial period?

.....

Section C:

How has post-independence politics; government policies, Ethnicity, colonial legacy, 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?

.....

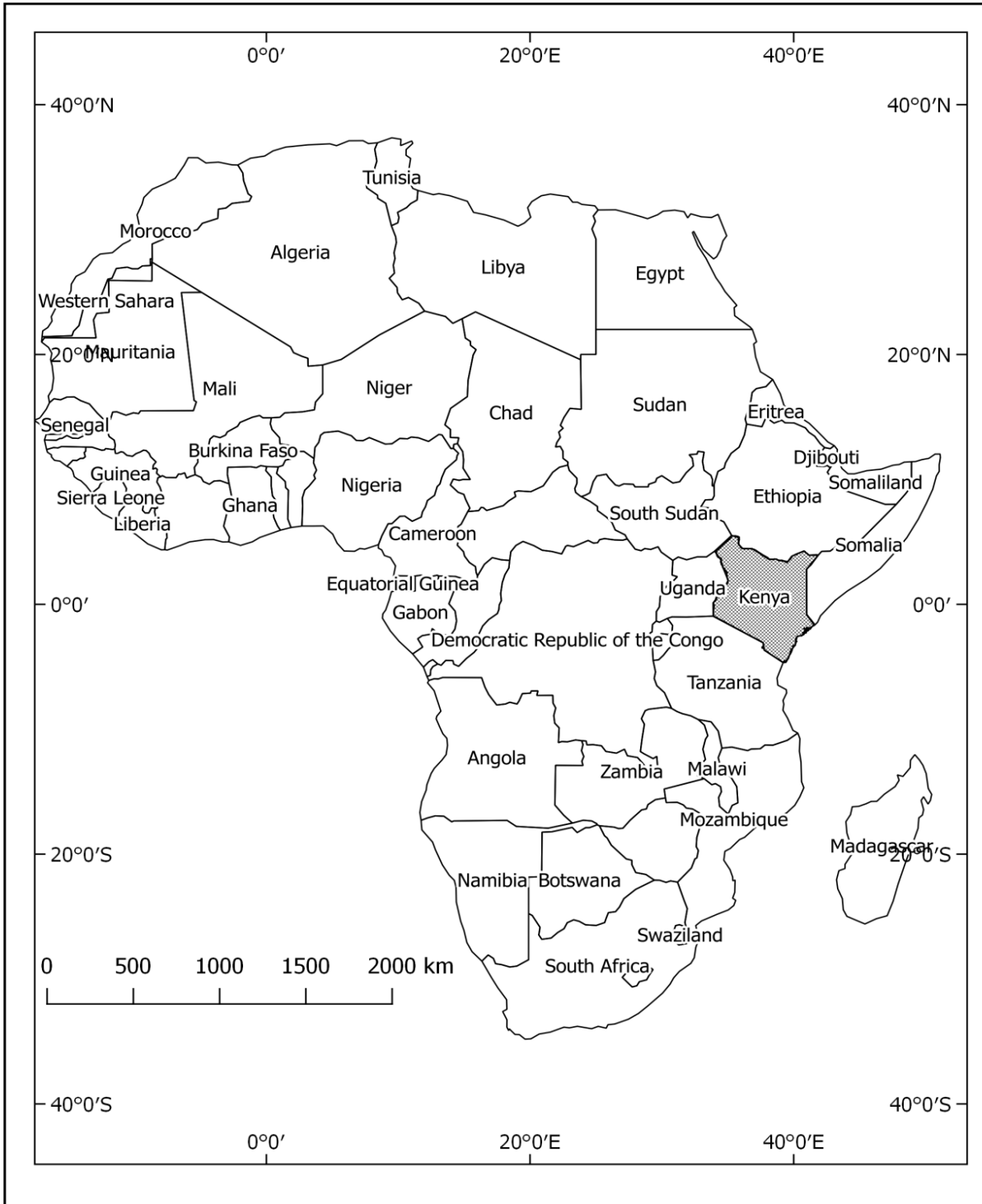
4. Describe how leadership lapse has contributed to the Bukusu-Sabaot post-independence inter-ethnic land conflicts?

.....

5. Explain how the terrain of the land in Mt. Elgon area has affected the Bukusu-Sabaot inter-ethnic land conflicts in Mt. Elgon area after independence?

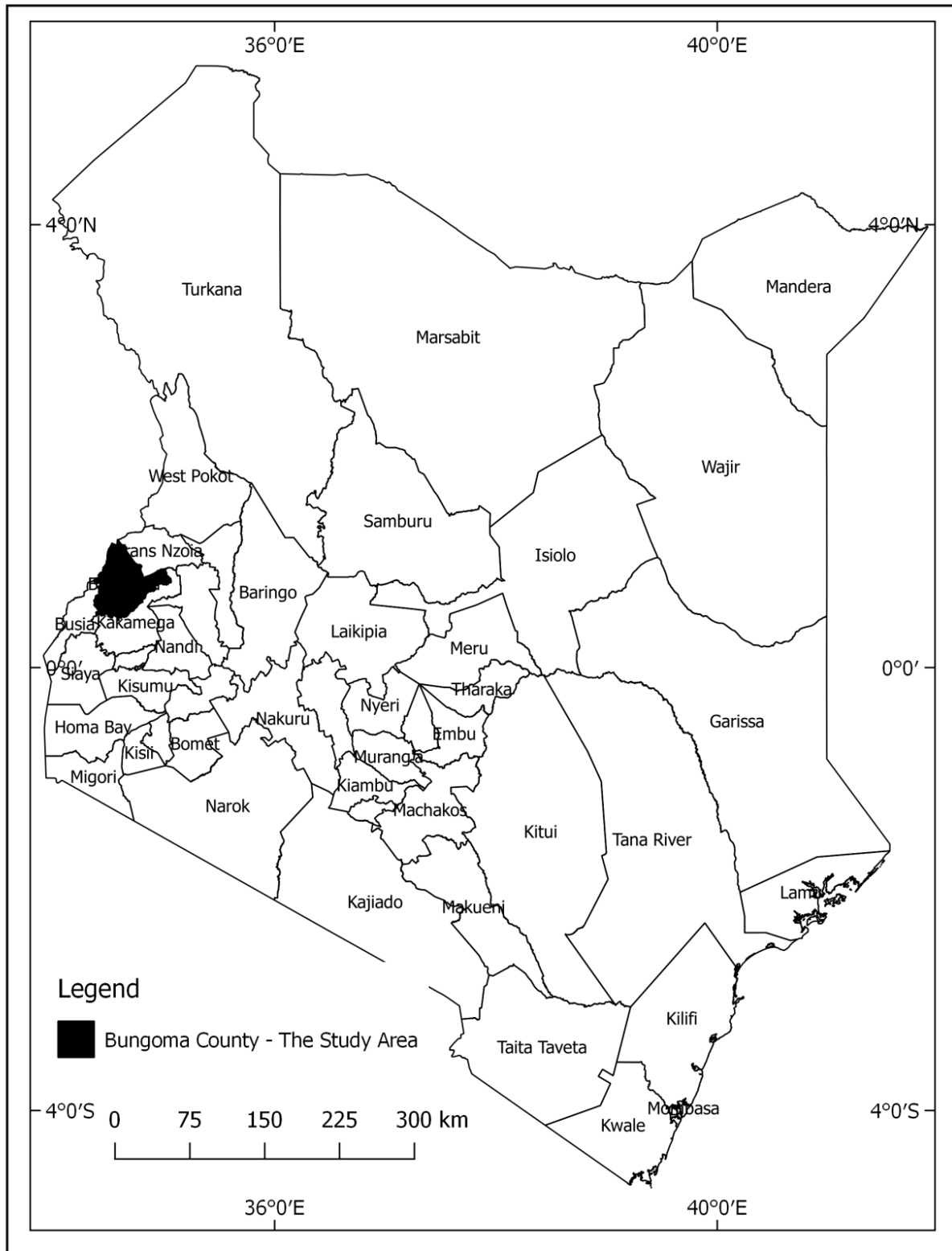
.....

Appendix 6: Map of Africa Showing Kenya



Source: Imbuye, (2016)

Appendix 7: Administrative Map of Kenya Showing Bungoma County



Source: Google maps, (2016)

Appendix 8: List of Informants

S/No	Name	Sex	Age (yrs)	Division	Ethnicity	Interview Date	Occupation
1.	John Wafula	M	62	Kapsokwony	Bukusu	9/3/2019	Retired Army officer
2.	Lydia Chebet	F	47	Kapsokwony	Sabaot	10/3/2019	Activist
3.	Kennedy Ndiema	M	43	Kapsokwony	Sabaot	12/3/2019	–
4.	Jamin Wandabwa	M	25	Kapsokwony	Bukusu	14/3/2019	Trained teacher
5.	Janifer Kipkwemoi	F	38	Kapsokwony	Sabaot	13/3/2019	CBO leader
6.	Patrick Kiprop	M	84	Kaptama	Sabaot	16/2/2019	Former Councillor
7.	John Musee	M	86	Cheptais	Bukusu	17/2/2019	Retired Craftsman
8.	Electina Nasimiyu	F	83	Kapsokwony	Bukusu	7/3/2019	Ex. Councillor
9.	Simon Ngeywa	M	85	Kaptama	Sabaot	12/3/2019	Former Hunter
10.	Benjamin Kirwa	M	67	Kaptama	Sabaot	18/2/2019	Farmer
11.	Agnes Masai	F	19	Kopsiro	Sabaot	20/2/2019	Student
12.	Mercy Chebet	F	20	Kopsiro	Sabaot	22/2/2019	CBO member
13.	Felix Kiprop	M	20	Kopsiro	Sabaot	23/2/2019	Student
14.	Peter Wambulwa	M	50	Kaptama	Bukusu	24/2/2019	Retired District Officer
15.	Regina Namalwa	F	55	Kaptama	Bukusu	25/2/2019	Nurse
16.	Rose Chesebe	F	34	Cheptais	Sabaot	26/2/2019	Social Worker
17.	Phillip Chemonges	M	34	Cheptais	Sabaot	27/2/2019	Farmer/Business man
18.	James Kimutai	M	89	Cheptais	Sabaot	28/2/2019	Retired Chief
19.	Julius Wangila	M	56	Kaptama	Bukusu	29/2/2019	Pastor
20.	Patrick	M	50	Kopsiro	Bukusu	21/2/2019	Trained Teacher

	Wekesa						
21.	Edward Wanyonyi	M	75	Kopsiro	Bukusu	20/2/2019	Bishop
22.	Margret Nakhone	F	73	Kopsiro	Bukusu	30/2/2019	Retired Police woman
23.	Juma Kizito	M	40	Cheptais	Bukusu	1/3/2019	Business Man
24.	Jacob Namunyu	M	90	Cheptais	Bukusu	19/2/2019	Retired Village Elder

Appendix 9: Select Photographs of the Researcher during the Study



PHOTO 2: Researcher at Chelebei



PHOTO 3: Researcher at Maseek

