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Violence in Mount Elgon (2006–2008)

Claire Médard

- ¹ At the Kenya-Uganda border, on the mountainous terrain of Mount Elgon, an armed militia has been fighting the State since 2006, over land issues. The militia won a military victory in November 2007 and its presumed leader was elected to parliament in the December 2007 elections on an Orange Democratic Movement (ODM) ticket. This paper aims to shed light on the current crisis in Kenya by deciphering state legitimacy and the challenge to this legitimacy in the local arena. The ethnic dimension of political competition in the country is tackled through this.
- ² In Mount Elgon, along the Kenya-Uganda border, the chronology of violence was different, compared to the surge of post-election violence in Kenya.¹ The run-up to elections was particularly brutal. There were reports of approximately 600 deaths and 50,000 internally displaced people between September 2006 and January 2008.² At the heart of the conflict is the Chebyuk area, which covers 10 km² carved out of the forest reserve and converted in the 1970s into a farming settlement by the State for the Kalenjin-speaking people of Mount Elgon, who form the group called Sabaot. The invention of the Kalenjin ethnonym came about ten years before the term Sabaot came into being in mid-1950s.³ The success in using this name might be understood in relation to the territorial affirmation of a minority, both in terms of land and administration. Political rivalry with the neighbouring Bukusu, a sub-tribe of the numerically larger Luhya ethnic community, led to inter-ethnic tensions and resulted in the creation of an electoral constituency for the Sabaots (Elgon) from 1963 and later on, in 1993, a district (Mount Elgon) which are co-extensive. The constituency brought together the Bok community of Cheptais Division to the west, the Kony community of Kapsokwony Division to the east, and the Chepkitale Division from the top of Mount Elgon, which is claimed by the “Ndorobo” community. Also part of the Kalenjin-speaking communities of Mount Elgon are the Bongomek, who come from the Bungoma

region to the south and the Sabiny (or Sebei), who come from the northern slopes of Mount Elgon in Uganda.

- 3 By the end of 1980, rifts within the united front of the Sabaot became evident with a dissident group insisting on a separate “Ndorobo” or “Ogiek” identity (terms usually describing hunters and gatherers, used in this case to refer to pastoralists) to claim indigenous rights to land. Just like the unity in Kalenjin ethnicity championed by President Moi was denounced by a section of Sabaot leaders, advocates of Ndorobo ethnicity charged that the term Sabaot served first and foremost the interests of land grabbers, “land eaters.” The political importance of the various Sabaot sub-tribes, including the Ndorobo, took momentum at that time and translated into a conflict over land that is currently tearing them apart in Chebyuk. Though the current conflict marked the end of the consensus on Sabaot ethnicity, the Sabaot Land Defence Forces (SLDF), a militia group put together at the beginning of June 2006 in the area, chose to use the term, thereby declaring that a united Sabaot front still benefited some people. Chebyuk, the Promised Land, became cursed when conflict over land caused the implosion of a larger alliance along the lines of Sabaot ethnicity, even though this level of ethnic mobilization did not disappear altogether. Far from putting an end to ethnic categorization, this conflict was a testimony of the renewed success of increasingly exclusive ethnicity.
- 4 The conflict under study is a cog in the wheel of ethnicisation of violence. In Mount Elgon, people therefore end up identifying themselves as Bok, Ndorobo, etc. Those who do not subscribe to this thinking, generally those who are moderate, are eliminated or forced to flee. The banner of ethnicity was used by various actors to mobilize support. This was demonstrated since independence through statements by Kalenjin leaders who maintain that Kalenjins, an oppressed minority, have a historical right in the Rift Valley Province, or by Sabaot leaders who say that the Sabaot, an oppressed lot within the Kalenjin minority, have an ancestral right over Mount Elgon... Redress of “*historical injustices*” thus demanded mask the strategic dimension of these identity affirmations, which must be understood as part of the competition for State power and State resources, which translates from top to bottom into electoral fights and land conflicts. Mobilization around ethnicity cannot be dissociated from the way the State operates and particularly from the neo-patrimonial political system and practices.⁴ This paper will begin with a discussion of the history of the settlement in Chebyuk, followed by a focus on the political crisis and finally conclude with the militia watershed⁵.

Chebyuk: a state controlled agricultural frontier

- 5 The State took the lead in the process, which resulted in the clearing of a vast area of the forest situated on the southern slopes of Mount Elgon. This is what makes Chebyuk a state controlled agricultural frontier. Since its creation in 1971, land allocations and access to forest resources are managed in a neo-patrimonial style, which allows institutionalized corruption and gives rise to political patronage generally practiced along ethnic lines. The concept of neo-patrimonial State enables one to identify the way in which forms of personal power combine with institutional power, leading to confusion between public and private spheres. The land crisis and the violence that arises there from are deeply rooted in this system of neo-patrimonial regulation and in associated authoritarian practices, such as measures of territorial control perceived as

arbitrary and carried out in a repeated fashion locally in Chebyuk and in areas neighbouring natural reserves.

- 6 The clearing and settlement of the Chebyuk area cannot be dissociated from the political history of the Elgon parliamentary constituency which was created in 1963 in favour of the local MP Daniel Moss, one of the rare Kalenjins who supported Kenyatta's Kenya African National Union (KANU) from inception. Moss' support for KANU is explained by the fact that the Bukusu, rivals of the Sabaot, with whom they then shared a district, supported Kenya African Democratic Union (KADU). Kenyatta's rule in Kenya and Moss' term as MP for the Elgon constituency went hand in hand (1963–1978). Moss belonged to the Bok community (the most numerous sub-group) just as the other MPs who succeeded him in Elgon constituency: Wilberforce Kisiero (1979–1992), John Serut (1998–2007) and Fred Kapondi (from 2007), except for Joseph Kimkung (1992–1998)—an ally of Gideon Moi, President Moi's son—who belonged to the Kony sub-group. These different parliamentary mandates had an impact on the ground in Mount Elgon through the renewal of political patronage, land distribution and redistribution. As the years went by, settlement in Chebyuk became more complex and the right to land became more hotly contested.⁶ There are two very distinct settlement periods: the first from 1971 to 1989, the year the Moi government effected land reforms, and the second between 1989 and 2006. The crisis that has hit the area since 2006 has resulted in a wave of displacements.

First settlement

- 7 The transfer of residents from the Chepkitale high altitude moors in Chebyuk was the result of two-fold reasoning by the administration: create territorial unity among the Sabaot and get human beings out of the forest and protected reserves of Mount Elgon. The transformation of the mountain into a vast natural reserve began under the colonial government with the demarcation of the forest reserve towards the end of the 1920s, followed by the creation to the east of a national park between 1948 and 1968 and finally, the creation of a reserve in 2000 in the Chepkitale high altitude moors under management of the local authorities in Mount Elgon District.
- 8 During the first settlement period, about a thousand families were officially settled in an area covering 4 km². By the mid-1970s, a much larger area was under clearance. Originally, the change of official status of the forest land to pave way for the settlement of small-scale farmers was restricted to the area around Chebyuk and Emia villages situated respectively in the north-eastern and the south-western quarters of the currently cleared area. In collusion with the local administration and the Forest Department, the neighbouring sections of Kopsiro, (southeastern quarter) and Chepkurkur (north-western quarter), which were protected areas, were cleared without being degazetted as forest land. It is the whole of this cleared area that is today popularly known by extension as Chebyuk. Compared with the initial perimeter, the legal forest excision passed in 1974, the area under cultivation had probably doubled by the eve of the 1989 reforms.
- 9 It is important to note the diversity in status of the occupants of land in Chebyuk at the time. Some appeared on the original lists of beneficiaries of the land distribution program while others did not. During the initial period, land distribution was quite inequitable (from one acre to over 50 acres. One acre equals 0.4 hectares). The first to

arrive in Chebyuk were either from Chepkitale, higher up in the mountain (they are the ones that are today called Ndorobo or Mosop), or from areas below the forest reserve (Bok, Kony, Bongomek, and Sabiny collectively called Soy). These different communities were then closely linked and these links were renewed in the 1970s through alliances forged during the reclamation of this forested area.⁷ Although land was subdivided and allocated on an individual basis, the whole area retained its status of government land. No legal land transactions could be conducted in the entire cleared area of Chebyuk due to lack of land registration records, while at the same time title deeds were issued in the neighbouring areas where the status of land was different. This did not, nevertheless, prevent transactions involving these parcels of land: they were sold, bartered in exchange for work. These contracts were locally recognized although they were not official. Clearing forest land required a lot of work. Among the resettled Soy, the number of Bok, MP Daniel Moss community, was large. So the creation of Chebyuk and the first period of settlement strengthened support for his bid to represent Elgon constituency.

- 10 After Daniel Moss, Wilberforce Kisiero took over the seat in 1979 and also sought to leave his mark over the Chebyuk settlement. At the end of the 1980s, a process of legalization of land occupation through registration was to start and new applicants were to be considered with the opening up of new land for settlement (new generation of Ndorobos and people evicted from other areas of the Mount Elgon forest reserve), a new land grabbing opportunity presented itself. This exercise was not to benefit minority groups, the poor and the landless but MP Wilberforce Kisiero's political clients—though the MP defended himself against these accusations—and individuals with State connections. Against all expectations, the central government under President Moi moved to act against the corrupt practices or rather decided to act against the MP for his own reasons. The ongoing process was halted and radical land reforms were announced. The reforms, which were introduced in 1989, depict the end of the political favor of the MP, who lost his seat in the next elections in 1992.

Land reforms

- 11 The land reform introduced under the Moi regime questioned the status quo and existing land distribution in Chebyuk. To implement this reform, the government had to use force and upset all Chebyuk residents. With the cancellation of initial land allocations, all transactions which took place subsequently from the start of the settlement were also erased. The government decided to fight encroachments on forest land. It strived to restore areas with planted trees but had to give up following local protests. The occupation of the entire area of cleared forest land totaling 10 km² was legalized in 2000 and 2001.⁸ During this reform in Chebyuk, the government undertook the allocation of land itself, creating plots of 5 acres (later 2.5 acres). All the residents were therefore forced to move to the new parcels of land they had been allocated. Newcomers settled at the expense of migrants who had come before them and who had cleared the forest but were denied rights to a plot. Moss and Kisiero supporters found themselves with no land or with smaller pieces of land. The redistribution process was carried out in three phases. Land allotment letters were sent out from 2002 for phases 1 and 2 and only in June 2006 for phase 3. The release of the final list of beneficiaries of phase 3 in June 2006 should have marked the end of a state-controlled agricultural frontier but in reality it marked the beginning of an armed conflict.

- 12 Action against the State began in Chepkurkur area (also known as phase 3) which has a special land history within the Chebyuk area. In Chepkurkur, residents, majority of whom were Bok, who had settled in the forest reserve, were driven out following the 1989 reforms. At the beginning of the 1990s, they successfully appealed directly to President
- 13 Moi, who extended Chebyuk area by carving more land out of the forest reserve and allowed them to be resettled in Chepkurkur. However, he did not really make this resettlement legal. This government about-turn gave the green light for fresh settlements and the decision ended up benefiting other people than those who had appealed to President Moi. A rival Bok group from Cheptais managed to settle on this land. This group gained the support of John Serut (who was elected in 1998 and re-elected in 2002), who in turn protected them by delaying the implementation of phase 3 of the reforms. During the constitutional referendum in November 2005, Serut, who supported President Kibaki's camp, was disowned by his clients, the Bok land grabbers in Chepkurkur and his close allies turned against him. Indeed, he could no longer satisfy their unquenched thirst for land. In an attempt to reinvigorate his support locally, he decided to push for the completion of the reform in Chepkurkur and 2.5-acre plots were created. This enabled double the number of people to benefit as opposed to the previous phases of settlement in Chebyuk (5 acre plots). However, the 1,732 parcels of land that were created were not enough to respond to the 7,500 applications received in 2006.
- 14 All political leaders had to contend with this local appetite for land. When the redistribution conducted by the government ended at the end of 2006, some Chebyuk residents had not received the land they had hoped to get. The last 35 years had given the Sabaot good reasons to believe that the State could intervene to "resolve" land problems. In their disappointment, they shifted their hopes to rumours of intervention by the World Bank and the British—over the issue of compensation for the appropriation of Sabaot land during the colonial era. With no more land redistribution exercises to hope for, forcing targeted people into exile, based on the model of the ethnic clashes of the 1990s, ended up being considered as an ordinary way of acquiring land. The crisis that has been going on in Mt Elgon since 2006 is the result of this land-related and political manipulation. The government did not even for a moment have any doubts that it would succeed in evicting residents to satisfy official beneficiaries of the land. The formation of the Sabaot Land Defence Force, the core of whose membership is made up of people whose land was repossessed by government in Chepkurkur, is a straight proof to the contrary.

A local political crisis

- 15 The political crisis in Chebyuk was two dimensional. It took the form both of a State legitimacy crisis and of violence with ethnic connotation.

State de-legitimization

- 16 The collapse of State authority and subsequent violence demonstrates a real crisis of legitimacy. State land distribution was incessantly mismanaged, challenged, cancelled and repeated for over 35 years. In 2006, the first targets of the violence were State

agents (Assistant Chief, Chief, District Officer) or individuals linked to the State (surveyor, any person accompanying the surveyor, elders belonging to the land allocation committee). This defiance vis-à-vis the provincial administration doubled as defiance against elected representatives (parliamentary and local councillors). The crisis was also linked to resumption for political reasons of government control over the process of land reform. Ever since Chebyuk was created, the State has never relented to send security forces to enforce the boundaries of the settlement scheme or repossess land extended to the forest reserve and to take control of individual plots whose owners were not or no longer recognized. These measures of territorial control seemed arbitrary as the State, in exercising power, chose whether or not to apply the laws that it had passed. These practices were linked to the State's neo-patrimonial way of operating which contributed to discrediting it. A powerful individual could break the law which might only be enforced when the government found it worthwhile as an interested party. Consequently, rules were not the same for all. When breaking a rule seemed to favour the ordinary person, exceptions linked to the president's or a parliamentarian's personal power were welcome. Thus some Sabaot still remember Kenyatta and Moss for giving them the land in Chebyuk. State neo-patrimonial practices, which were also a source of injustice, led to loss of legitimacy. The forestry department staff who were often under pressure and who sometimes gave in to temptation to use their institutional position to enrich themselves, were privy to these practices, and so was the head of family who was ready to corrupt an official in order to obtain a piece of land. These practices led to strong inequalities: if one did not know anyone or if he did not have the means to engage in corruption, he would not be served. There was no alternative, and even by paying someone off there was no assurance of obtaining what was sought after.

- 17 At all administrative levels, State agents used their position to favour some people at the expense of others, depending on political influence, financial means and personal interest. Moreover, when the local MP was in government, as it was the case for John Serut from 2003, he could use his influence and expect support from State apparatus. In some instances political leadership and administration would cross arms in others they would collaborate which made it easier to mismanage State apparatus: the land could be sold instead of being freely distributed and sold to people other than those officially targeted, the landless. Collusion of interests was identifiable under Kenyatta, Moi and Kibaki, even though under the latter an apparent will to change came into play and there was supposedly less political interference in the land redistribution exercise. However, President
- 18 Kibaki was no doubt more sensitive to pleas for land from his Kikuyu clients and followers than to protests by the Sabaot, who were also hoping to benefit from Serut's allegiance to his government. Thus, the fact that almost all MPs who were elected in Mount Elgon were Bok worked in favour of the community during land distribution, although it should be stressed that there were rival factions and unstable personal political ties within the Bok community. With the end of an agricultural frontier in Chebyuk, Mt Elgon politicians were left with no land to redistribute to safeguard the allegiance of their clients. Nevertheless, land remained at the heart of political mobilization and it is upon this crest that Fred Kapondi rode and was elected in the 2007 parliamentary elections on an Orange Democratic Movement (ODM) ticket against John Serut, who vied on a Party of National Unity (PNU) ticket. The political transition

was therefore directly linked to the land crisis. Beyond the land platform, ODM and Kapondi's victory was due to massive displacement of residents and to the fact that the SLDF, with which he was associated, had taken control of the ground. The political transition was also more a result of terror than democracy.

- 19 A good number of local leaders are now in agreement that if the government had properly carried out its duty at the beginning of the 1970s, when the settlement was initiated, and had once and for all set the legal framework for land ownership, the situation would be very different today. It is true that the government would have had nothing to worry about concerning the children of first settlers, in 1989, and their grandchildren in 2007. From the 1970s onwards, individual title deeds were issued in the areas neighbouring Chebyuk where therefore land ownership was legally recognized and family estates defined. On the whole, in spite of disputes over land inheritance, property was not challenged amongst the Sabaot in such areas. For their part, some old Chebyuk residents say that the crisis can be blamed on the reforms introduced in 1989 since the government did not recognize the importance of the social relationships that had been established locally, despite inequalities, between the Ndorobo, who came from up the mountain, and the Soy, who came from the lower slopes. By implementing the land redistribution program without proper consideration the government broke existing links forged by settlers while reclaiming the land together and strengthened separate Ndorobo, Bok and Kony identity claims.

Ethnicisation of the conflict

- 20 If we revisit the ethnic categories that actors themselves use in describing or explaining the violence and antagonism, it should be noted the intention here is to restate their historic dimension and give a vision of the strategic aspect of these identity assertions. As opposed to an essentialist conception of identity that is often revisited by protagonists or victims of a conflict, these categories need to be considered in a dynamic manner. Once violence that is seen as ethnic in nature takes place, fear, the need to protect and defend oneself and restore order contribute to bring out ethnic categorisation and strengthen (or even create from any aspect) the idea of ethnic belonging.
- 21 Locally, in Mount Elgon, a number of antagonisms were perceived in ethnic terms (e.g. Bukusu/Sabaot or Sabaot/Ndorobo). They were presented within a dynamic of unequal political competition between a majority and a minority. The conflict between the SLDF and the State since 2006 took an ethnic turn, mainly pitting two Sabaot sub-groups against each other, the Bok and the Ndorobo. It doubled up as a conflict between the Sabaot and the Bukusu at different times. Each level of antagonism might be mobilized on its own at one given time and seemed to replicate each other. Similar thinking of political polarization along ethnic lines was observed at different scales. The assertion of a Kalenjin identity was understood within the rivalry with the Luhya, the Luo, the Kikuyu and the Kisii for the sharing out of the land in formerly European areas. Following a similar pattern, the Sabaots asserted their separate identity against their Bukusu neighbours. A notch lower, within the Sabaot themselves, local identities were activated (Ndorobo and Bok) to obtain privileged access to the Chebyuk area. Therefore, in an attempt to break away from the other Kalenjin-speaking people of Mount Elgon, those who came from Chepkitala, by defining themselves as Ndorobo or

Ogiek (hunter-gatherers) were laying claim to the forests and moors of Mount Elgon as part of their territory, thus questioning the existence of Sabaot ethnicity and by extension of Kalenjin ethnicity. For its part, Ogiek ethnicity (hunter-gatherer in Kalenjin language) was able to grow, as shown by political contacts between all the Ogiek of the Rift Valley Province. Conflicts are detailed in ethnic terms but one might choose to stress one or another level of ethnic affiliation. Asserting a Ndorobo or Ogiek identity might be seen a strategy to reduce the size of the group sharing resources locally. Thus some opt to insist on their being part an infra-Sabaot community (Bok, Kony, Bongomek, Sabinyi) while others continue to talk of an all-inclusive Sabaot ethnicity. Found elsewhere in Kalenjin land, the terms Mosop and Soy simply refer to distinct topographical zones (highlands /lowlands) and by extension their inhabitants usually very closely linked through exchanges. In this context, they are sometimes used to denounce the ethnic drift and the introduced divisions in Mount Elgon. But more and more with the conflict, they have been changed into ethnic labels that emphasize a binary dichotomy between Ndorobo (Mosop) and non-Ndorobo (Soy).

- 22 According to a well established political discourse in Kenya (the majimbo ideology), a minority is entitled to demand for regional preference. Thus, just like the Sabaot, who managed to detach themselves administratively from the Bukusu, some Ndorobo would also deep down want to detach themselves from the Sabaot group. The Ndorobo demands caught Moi's attention at a time when he had decided to introduce land reforms in Chebyuk. Tension between the Sabaot and the Bukusu, which had been vivid at independence, were reactivated in the 1990s, when multiparty politics were reintroduced and Moi was seeking support from the so-called "minority" ethnic communities, and of the Kalenjins as a whole—to which the Sabaot and Ogiek belong—to remain in power.⁹ In 1993, the creation of Mount Elgon District was prepared by the 1990s ethnic cleansing operations and the expulsion of the Bukusu, who managed in spite of everything to remain in one location, Chesikaki. This manoeuvre was part of an offensive strategy adopted under President Moi by groups nationally considered as minorities (Kalenjin, Maasai, Mijikenda, among others) to counter the so-called majority groups based in various parts of the country (Kikuyus, Luhyas, Luos). The precise underlying idea was that access to land was defined in a territorial manner in Kenya on the basis of the historically established link between an ethnic territory and an administrative unit representing it. By extension, access to all the resources, including political resources, were defined territorially. This idea, which was undeniably modeled under colonial rule with the creation of ethnic "reserves," together with politics structured on that administrative level in the 1950s, has been developing since independence. Some Sabaot propagandists suggested that their community's land problems be resolved by driving out the Bukusu from the land that they occupy in Mount Elgon, Bungoma and Trans Nzoia districts, questioning the physical location of the existing administrative boundary not its principle (inclusion/exclusion). Targeted attacks against the Bukusu were carried out in the run up to elections and its aftermath (two attacks in Trans Nzoia in April and May 2007 where 15 people were killed, ethnic cleansing in Chesikaki during the first week of January 2008, in which 50 people died and finally attacks in some areas of Trans Nzoia in January 2008 followed by displacements). In the crisis pitting the Bok against the Ndorobo in Mount Elgon since 2006, the main protagonists were two political leaders, who are both Bok, - one, John Serut, seeking to retain his parliamentary seat and the other, Fred Kapondi, seeking to be elected. There were rumours that Kapondi had contributed to arming the

SLDF while Serut was said to have opted to arm a militia group on the side of the Ndorobo. The formation of these militias or the political support that they received contributed to ethnicizing the conflict. At one point, the Ndorobo became the target of increased violence from the SLDF as they represented the challenged authority of the local MP, who had links with security forces. In Mount Elgon, an exclusive conception of ethnicity is found at several scales both in an antagonism between the Sabaot and the Bukusu and in a conflict between the Ndorobo and the Sabaot.

- 23 In Chebyuk, State arbitrariness and the use of force spiralled out of control and the violence now targeted the State itself. During the years following independence, the neo-patrimonial State loudly and clearly used and abused the ethnicity card and the governed learned to do the same. In the 1990s, ethnicization of violence became the hallmark of the State. As a result, territorial and ethnic demands acquired momentum in the political arena. Resorting to militia also became a common practice by politicians from across the divide. The use of militias is nothing new in Mount Elgon what changed was the unprecedented scale in the SLDF's war and its declaration of war on the State.

Militia turning point: building a new order?

- 24 Along the Kenya-Uganda border, there has been clandestine activity on the steep terrains of Mount Elgon and its forests and parks, which are mostly inhabited. Smuggling, cattle rustling, armed groups: during the decades between 1970 and 1990, the region was characterized by rather high insecurity. Mount Elgon was a transit zone for stolen livestock. Some of the raids were conducted locally, depending on the period. Theft of livestock was blamed on the Bagisu others on the Sebei of Uganda (the Bukusu and the Sabinyi of Kenya) and also on the Ndorobo of Chepkitala. The violence that preceded the current crisis might be described in ethnic terms but economic and political considerations prevailed. It is now believed that such acts of livestock theft and smuggling were sometimes ordered by politicians and can be described as political thuggery. The State was unable to contain these practices at given times. The violence took on a new dimension with an ideological turn which started to prevail over economic considerations as it is currently the case in Mount Elgon. Thefts have developed into systematic killings and torture, which do not in any way rule out looting.
- 25 The first break in the violence happened in Chebyuk in mid-1980s. From then on there was a radicalization of demands for land by the Ndorobo in Chebyuk and Chepkitala. The coveted assets were no longer movable assets but land. Violence was legitimized by a discourse on the Ndorobo status as autochthons and on their territorial right to land, which should be understood within the scope and stakes of local land appropriation. This discourse on the indigenous status of some inhabitants was an initial step towards an exclusive conception of ethnicity. Concern about autochthons internationally relayed by websites reproduces the rhetoric without always understanding the local stakes.¹⁰ In other words, these demands translated into targeted attacks on farms and cattle rustling in Chebyuk by Ndorobo militia carrying out operations from the forest. Frequent attacks led to insecurity which in turn had repercussions on the choice of the location of homes. The Bok and the Soy felt threatened in some parts of Chebyuk and the Ndorobo also felt unsafe in other parts. Among the Ndorobo, those who were

moderates did not back the violent strategy adopted by others. In 2004, hundreds of houses were burned down in the settlement.

- 26 The emergence of the SLDF in 2006 was the second break: the force challenged the State directly and was not content with looting from the people. The militias that preceded SLDF, which were being used in some instances by minor political forces did not operate on the same scale. Up to the time Fred Kapondi successfully vied for the election, the SLDF might be seen as a guerrilla force with an alternative political agenda and not just any other militia used to satisfy the political ambitions of a leader. Resistance started from June 2006 when the State published the final list of land beneficiaries during the third and final phase of Chebyuk. The area in question, Chepkurkur had already been developed by the families that had settled there for over 10 years and who therefore refused to identify with the project aimed at redistributing “their land.” The first SLDF militiamen were initially recruited from among these families. At a later stage, to counter SLDF, rival politicians formed rival militias (Bok, Ndorobo and very recently Bukusu¹¹), which led to the increased insecurity and massive displacement of people locally. All the Chepkurkur residents were also driven out, some fearing the SLDF and others by security forces, the General Service Unit (GSU). They took refuge elsewhere, mainly in Cheptais where they had come from. The conflict thus spread from Chepkurkur to Cheptais, then to the whole of the cleared area in Chebyuk where settlement had stabilized during phases 1 and 2 of the resettlement, and finally to the rest of Mount Elgon District, with incursions going as far as Kapsokwony and Kaptama to the east. Internally displaced people (IDPs) who fled to Trans Nzoia District did not feel safe there either, even in Kitale, the district headquarters.
- 27 In Mount Elgon, the Ndorobo propagandists planted the seeds of identity retreat and of a restrictive conception of ethnicity at the end of the 1980s as demonstrated by the Sabaot-Ndorobo rift. As far as rhetoric is concerned, the SLDF did not lay emphasis on this level of antagonism even though there is evidence that the Ndorobo were targeted in the violence because of territorial claims over Chebyuk formulated by radical Ndorobo. The SLDF was first and foremost Sabaot before being Bok. Ideologically, what was new about this militia group was that it rejected the State.
- 28 On the southern slopes of Mount Elgon, the SLDF attempted to impose a new moral and political order. The religious dimension of the conflict merits mention. With the escalation of the conflict, there were increased references to a local prophetic tradition, greatly scandalizing some elders who chose to denounce the impersonation by self-styled prophets and rituals that did not belong to the existing heritage. Rumours about ritual performances were interpreted without any difficulty by the local communities, contributing to fear. For instance, according to one of these rumours targeting the SLDF at the beginning of the conflict, a pregnant woman was killed and her stomach opened to determine the future of the fighting. The gender of the child the woman was carrying would influence whether the war would continue or come to an end. The child was male and therefore the war went on. There was unanimity that the ritual killings and mutilations blamed on the SLDF had nothing traditional about them—the future is read in the intestines of an animal, not a human being. Within the context of traditional beliefs, prophets, who were supposed to predict the future and prepare youngsters to go to war, were extremely feared. Acts of sheer violence and torture created fear in the case of SLDF. The name of one SLDF politician cum prophet was mentioned: Fred Kiptum¹², as well as a family of ritual leaders, the

Psongoywo family. In Chepkitale, on the side of Ndorobo, the reputation of the Sangula family was established over the years: Sangula was a well-known prophet in the 1930s and his descendants have inherited his helm since his death. From April to June 2007, at the very moment of the strategic alliance between MP John Serut and a Ndorobo militia, his grandson, also called Sangula, strengthened his reputation of potency as a prophet while the SLDF was in a weaker position.

- 29 By living in a remote and mountainous area, out of reach of direct missionary activity, up to the time they were moved to Chebyuk, the Chepkitale residents were able to retain a local prophetic tradition longer than elsewhere. In sharp contrast, from the 1980s up to the current crisis, Chebyuk became the heart of intense missionary activity. One of the projects under implementation was the translation of the Bible into the Sabaot language. The project has been seen to fruition by an elders' committee with the help of linguists and pastors. The growth of Christianity has changed the outlook on some of the local customs. For instance circumcision celebrations, during which there was normally a lot of drinking, were sometimes criticized by converts. A number of elements pointed at the syncretism of the prophetic revival in Mount Elgon within the context of the current crisis. The SLDF also condemned alcohol. At a time when fortunes were progressively diminishing for the Ndorobo militia, in November 2007, the SLDF effectively took control of Chebyuk and stamped its authority locally. There was talk of a new moral order where the consumption of alcoholic drinks was restricted. Terror associated with the SLDF was based on the rumours about its neo-traditional religious practices when it was preparing for combat, reminding us of other movements in the region (from the Ugandan Lord's Resistance Army to the Mai Mai of the Democratic Republic of Congo). Reference to the Bible and to the Promised Land was significant: a verse which called the Israelites to combat was used before any attack. Though the rumours about the SLDF were difficult to corroborate, the terror that it spread was undeniable.
- 30 From the beginning, it put in place a taxation system; at one time, the tax was payable in form of airtime (mobile recharge cards worth Ksh 100, 200 and 300). Incidentally, the use of mobile telephone is evidence of a level of coordination and control over the actions taken. It underpins certain hypotheses on the movement's degree of centralization. All those who had the ability fled in the face of the unremitting violence. This explains the growing difficulties the SLDF faced in getting supplies and funding its operations in the beginning of January 2008. Consequently, it carried out attacks within a wider area to loot people's property and steal livestock. Some of the people who did not flee might be considered as having been accomplices to the exactions but in reality all were prisoners and victims of the violence. Victims of the conflict also referred to the prophetic dimension local religious traditions to explain it: the Chebyuk land was cursed.
- 31 The Mount Elgon conflict is therefore rooted in very special soil and history. It, nevertheless, shares a number of common traits with other conflicts in Kenya: politically, neo-patrimonialism in crisis and ethnicization, and structurally, the population problem and access to land. The treatment of the crisis by security forces and leadership contributed to deeply entrench ethnic divisions locally. The crisis underlines the growth of ethnic categorization at another scale and by no means suggests the end of an approach to political competition in terms of ethnic belonging. The answer to the use of ethnicity by the State is ethnic mobilization against the State.

The conflict sheds light on State neo-patrimonial practices and their perception. What seems to characterize State power is arbitrary measures, manifest authoritarianism, particularly when it does not recognize rights that are locally established, generally with its knowledge, and finally inequalities and injustices which its partiality contributes to create. Parallel to this, State legitimacy on the ground is certainly linked to its capacity to redistribute land. With the closure of an agricultural frontier, the neo-patrimonial practices of the ruling class continue in a new context of shortage. Among the Kalenjin in Mount Elgon, expectations along these lines were still to be found and they were disappointed. The SLDF attempted to put in place an alternative power and legitimacy which are close to a reign of terror.

- 32 Reference to the idea of grabbed ancestral territory scored renewed success throughout the whole of Rift Valley Province. The gravity of the criminal acts that led to expropriation of non-Kalenjin farmers during the crises of the 1990s were obliterated on the ground - these acts were even presented by various Kalenjin political players as legitimate. Does the Kalenjin case constitute an exception in Kenya? Have other groups put a cross on the idea of land redistribution carried out by the State? Nothing is less sure since in another area and for the benefit of another group, the Kibaki regime organized land redistribution: the Kikuyu displaced in the wave of violence in the 1990s were recently allocated land in the Burnt Forest area - this restoration explains the violence with which attacks were carried out against the Kikuyu in this area by Kalenjin militias as soon as the election rigging was announced.¹³
- 33 Due to lack of commitment, the will to change shown by the Kibaki regime did not materialize. Though, officially, there is serious belt-tightening (action against corruption, expulsion of "illegal" occupants of forest reserves), the government in Kenya still resorts to neo-patrimonial practices. These practices may have been legitimized in the past through strategies and rhetoric playing the ethnic card; it is no longer possible today, at least officially, due to the proclamation of a transition from President Moi's corrupt regime from 2002 upon Kibaki's accession to power. In the context of the current crisis, open strategies to promote exclusive ethnic interests could be used by opposing camps with disastrous results.

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NOTES

1. I would like to thank all those who helped me come up with this text, especially Hélène Charton. This paper is a result of a study carried out between November 2004 and May 2007 in the Mount Elgon area (along the Kenya-Uganda border).
2. The number of deaths was not well documented. As for the number of refugees, figures quoted should be compared to the 2007 population estimates given by Valérie Golaz from the Institut national d'études démographiques (Ined, France). The population of the most affected area, Chebyuk, was 35,000 people at the beginning of the conflict (personal statement).
3. G. Lynch, 'Negotiating ethnicity: identity politics in contemporary Kenya,' *Review of African Political Economy* 33 (107): 49–65.
4. J.-F. Médard, 'La crise de l'État néopatrimonial et l'évolution de corruption en Afrique subsaharienne.' *Monde en Développement*, vol. 26, No. 102, 1998, pp. 1–13; D. Bourmaud, *Histoire politique du Kenya. État et pouvoir local*, Paris, Karthala, 1988.
5. The article was written before March 2008 and the massive military intervention in Mount Elgon which will not be addressed here.
6. S. Ghezali, *Histoire contemporaine d'une communauté rurale du Kenya. Les Sabaot de Chepyuk (Mont Elgon) de 1930 à nos jours*, mémoire de maîtrise, Université Paris I, 2005.
7. C. Médard (2010), 'Indigenous' land claims in Kenya: a case-study of Chebyuk, Mount Elgon District.' In W. Anseeuw and C. Alden (eds.), *The Struggle over Land in Africa: Conflicts, Politics and Change*, Pretoria: Human Science Research Council Press.
8. P. Ndung'u, *Report of the Commission of Inquiry into the Illegal/Irregular Allocation of Public Land*, Nairobi, Government Printer, 2004, p. 229.
9. C. Médard, 'Les conflits 'ethniques' au Kenya. Une question de votes ou de terres.' *Afrique contemporaine*, No. 180, 1996, pp. 62–74.
10. Refer for example to <http://www.ogiek.org> [archive].
11. *Daily Nation* (Nairobi), 5 February 2008.
12. *Daily Nation*, 9 April 2007.
13. Hervé Maupeu, personal statement.

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