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UNIVERSITY OF NAIROBI

INSTITUTE OF DIPLOMACY AND INTERNATIONAL STUDIES

**ASSESSING GOVERNANCE AND LAND ISSUES AS EMERGENT
DIMENSIONS OF INSURGENCIES IN EAST AFRICAN REGION**

BY

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**A RESEARCH PROJECT SUBMITTED IN PARTIAL FULFILMENT OF
THE REQUIREMENT FOR THE AWARD OF MASTERS OF ARTS IN
INTERNATIONAL CONFLICT MANAGEMENT.**

NOVEMBER, 2013



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DECLARATION

This thesis is my original work and has not been presented for a degree in any other University.

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Juliah Sungu Atwoli

Date

Declaration by Supervisor

This thesis has been submitted for examination with my approval as University Supervisor.

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Date

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Lastly, I offer my regards and blessings to all of those who supported us in any respect during the completion of the project.



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EDICATION

This Research Paper is lovingly dedicated to my respective parents Mr. Francis Atwoli and Mrs. Jenifer Atwoli and lastly my dear daughter Amazia Jada, who have been my constant source of inspiration. They have given me the drive and discipline to tackle any task with enthusiasm and determination. Without their love and support this project would not have been made possible.

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ABSTRACT

The study examined the role played by governments in East African Community in the rise of insurgent groups due to conflict over land divisions and inequality. The major research questions addressed were; what role has the EAC governments played in the rise of insurgents as a result of land conflict? What challenges has EAC governments encountered in its effort to curb land insurgency in East Africa? and What results have been achieved through the government concerned intervention in reducing land conflicts.

This study assumed that the governments i.e Kenya, Uganda, Tanzania, Rwanda and Burundi in East African Region have the potential to influence the stoppage of land conflict if they are fully determined to fight it. However it is bound to be faced with challenges and limitations which define the extent to which the governments involved may not positively contribute to the resolving of these cases.

Data for this study is derived from discussions, interviews and questionnaires from relevant sources involved in land conflict in East African Region especially in Kenya. Records and other relevant documents were analyzed too.

The study is significant in that its findings are informing the countries involved about prospects and challenges in the curbing of insurgent groups as a result of land conflict. Policy makers and other relevant stakeholders will find this study useful to them too.

BBREVIATIONS AND ACRONYMS

EAC	East African Community
EA	East Africa
SLDF	Sabaot Land Defense Force
MRP	Mombasa Republican Party
LRA	Lord Resistance Army
EACS	East African Common Services Organization
RPF	Rwanda Patriotic Front
UN	United Nations
OAU	Organization of African Union
UNAMIR	United Nation Mission in Rwanda
GOMN	Neutral Military Observation Group
EALA	East African Legislative Assembly
ICTR	International Criminal Tribunal for Rwanda
TANU	Tanganyika African National Union
FFU	Field Force Unit
ILIDP	Loita Integral Development Project
LCE	Loita Council of Elders
MRC	Mombasa Republican Council

CHAPTER ONE

POOR GOVERNANCE OF LAND AS A MAJOR CAUSE OF INSURGENCY

1.0 Introduction and Background

Land is a major natural resource hence the main livelihood that human beings depend on. It is because of land that people can cultivate and produce agricultural products to sustain themselves. Land stores valuable minerals like gold, diamond, gem stones, coltan, among many others. It stores water and it provides surface for construction.

Land scarcity, abundance and management can easily cause conflict. This is because the dependency of human beings on land is very high hence at times when it is scarce people tend to scramble over it hence leading to war. The more land one owns the richer the person is.

When the demand for land is high hence the supply is less, people will fight over it in order to acquire it for their livelihood. For instance in 1994 genocide in Rwanda, they used tribalism to cover land as a major cause of conflict.

In East Africa the human population growth is so high hence exceeding the land that is available prompting to conflict over the scarce resource. Due to poor governance the resource is unequally distributed and this easily provokes people who are given less share hence the beginning of conflict.

One of the reasons why land is unequally distributed is ethnicity. This is whereby the people in authority are from one specific community hence when distributing the

men a larger share than people from other clans. In East Africa several conflicts are as a result of mismanagement of land. So land issues should be keenly addressed for the betterment of the people of East Africa. The purpose of this paper is to provide a detailed overview of the current status of governance and insurgency in relation to land conflict in East Africa, specifically examining Kenya, Uganda, Tanzania and Rwanda.

East Africa or Eastern Africa is the easterly region of the African continent, variably defined by geography or geopolitics. In the UN scheme of geographic regions, 20 territories constitute Eastern Africa.¹Tanzania, Kenya, Uganda, Rwanda and Burundi comprise the African Great Lakes region and are members of the East African Community (EAC). Burundi and Rwanda are sometimes considered part of Central Africa.²

The conflicts in East Africa are no longer posing threat to Africa but to the world as a whole. Due to its strategic location and the abundance in natural resources the world cannot ignore but get concern in trying to resolve it. In Africa most of the conflicts are as a result of natural resources especially land. This is because Africans have not ventured so much into technology; therefore they heftily depend on land as their main source of livelihood unlike Europeans and people from other developed countries. These countries have been experiencing consistent conflicts both from within and without countries. By saying this I am implying that some conflicts are from within the countries where

¹United Nations Statistics Division - Standard Country and Area Codes Classifications

²Robert Stock, *Africa South of the Sahara, Second Edition: A Geographical Interpretation*, (The Guilford Press: 2004), p. 26

and with their neighbors in the same country. On the other hand some conflicts are across the border thus one community in one country is fighting with another neighboring community from another country.

A good example of conflicts from within the country over land issues in East Africa are: The Northern Ugandan dispute over land where Pogo clan was fighting Pailyec clan and several people were displaced while others were killed. In Kenya there has been conflict in Tana River due to periodic droughts and shortage of good grazing land leading to war between pastoralists and arable farmers, in Mt Elgon conflict between the Soyi and Ndorobo over the Chebyuk settlement scheme. In Tanzania there has been conflict over the Loliondo Game Controlled Area due to change of boundaries which has seen the original 4,000 square kilometers reduced to 1,500 square kilometers under government control hence leaving the remaining portion for public. The above examples are just but a few to mention since in East Africa there are several communities fighting over land issues which arise to several deaths day in day out.

1.1 Problem Statement

Land conflicts are on the rampant in East African Community and seem like there are no proper measures to curb them. Very little is done by the governments concerned about the menace hence leading to a significant rise of insurgent groups which have proven to be very difficult to curb. For instance in Uganda there is the Lord Resistant Army (LRA) among many others, in Kenya there is Sabaot Land Defense Force in Mt. Elgon, Mungiki in Central Province, Sungu Sungu in Kisii, and MRC in Mombasa among many others.

land-related factors contributing to violence and conflict, including many different types of land governance mechanisms. There is the existence of overlapping legal frameworks and the weakness of the statutory land laws in East Africa and many other African countries. Without appropriate management and governance of land in East Africa then insurgency as a result of land conflict will never end.

Land is the most valuable form of property in agrarian societies because of its economic, political symbolic and ritual importance. It is the basis of political power and social status in most societies of the world. It is a productive wealth-creating and life sustaining asset which every human being craves for and provides a sense of identity and rootedness within a community.³ Land is used for production of biomass, ensuring food, fodder, renewable energy and raw materials for existence of human and animal life. It is a base for settlement and industrial use and a store of our cultural heritage and is actually a source of raw materials like minerals, clay, energy, water etc.⁴

It is therefore obvious that when this most valuable resource is not well governed and well distributed then conflict will be inevitable.

1.2 Objectives

1.2.1 Main Objective

Poor governance of land in East Africa has consistently led to the emergence of several insurgent groups which cause threats to humanity.

³ Argwal B (1994). *A field of one's own*: Cambridge University Press.

⁴ Blum WEH (1998). *Sustainability and Land Use in D* Souza G.E. and Gebremehin J.C. *Sustainability in Agricultural and Rural Development*. Vermont. Ashgate Publishing Company.

- To determine how governance, land and insurgency are related
- To determine what the East African Community has done so far in curbing the insurgent groups arising from land conflict.
- To ensure the real cause of land conflicts come to the limelight for people to be able to come up with tangible and permanent solutions.

1.3 Justification

The purpose of the study is to investigate the impact of poor governance of land on East African people and how it leads to the formation of several insurgent groups during the study period. To investigate this, the researcher carried out interviews and discussions to find out the perspectives on East Africa insurgency.

The high level of EA insurgency is making aid deliveries to affected communities ever more difficult and costly. In some places it is even harder to reach the victims since the insurgents attack the policemen and kill them like for instance a recent case in Baragoi (2013) Kenya where several Administration Police were attacked by the militia and killed. However, many scholars who have written on governance and land insurgency have not given attention or critical look at the impact of this land insurgency on both the victims and the affected.. when the victims are suffering their relatives and friends are affected in a big way since they have to come in for some assistance e.g incase some children are orphaned then their relatives or friends will be forced to take the extra burden of paying school fees and feeding them etc.

that this research will lead not only to practical application but also theoretical importance. Moreover, the study will extend existing knowledge and provide useful information to humanitarian agencies, governments/states, and intergovernmental agencies. These stakeholders can use the findings of this study to develop land assistance policies, laws and procedures for management of insurgency.

1.4 Literature Review

The relevant literature to this study is classified into four sections: land, poor governance in East Africa, insurgency and factors driving insurgency. Insurgency in EA over land started due to poor division of land by the government~~s~~ concerned hence leaving majority of the people landless. As a result insurgency is rampant throughout the region. Some people have engaged in this activity for basic survival and some to claim back what is rightfully theirs. The purpose of this review is to gain theoretical knowledge that will guide in the studies examined here.

According to Farah pastoralism provides a critical means of survival for many in the Horn of Africa, accounting for the livelihoods of 15 to 20 million people in Djibouti, Eritrea, Ethiopia, Kenya, Somalia, Sudan and Uganda. Pastoral communities are particularly vulnerable to natural and man-made disasters because of reliance on natural resources. Under normal circumstances pastoral communities often face extreme challenges in meeting basic needs due to significant reductions in land and water available as a result of desertification, bush encroachment, soil erosion, population growth and political and economical marginalization. These shortages therefore lead to



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communities and countries and also rise in illegal groups

(barricades).

In Rift Valley and in other parts of the country, the land question has occasionally been exploited by politicians as a tool for political survival, especially in the context of political competition. In the name of defending their people's land rights, the politicians re-ignite and exploit historical injustices in land allocation to entice local population against invaders perceived to subscribe to opposing political persuasions. The idea is to perpetrate violence against migrants as a means of cleansing those areas of opposition elements and so alter the electoral demographics in the belligerents favor.⁶

Here I do agree with Simiyu considering the fact that our politicians tend to fuel land conflict in the name of protecting their people's land. It is these same politicians that should ensure the land is well governed to avoid conflict and insurgency yet they exploit historical injustices in land allocation to entice the local population against invaders and this perpetrates violence against the invaders.

Land scarcity and agricultural commercialization are expected to increase land value and lead to the individualization of land rights, creating opportunities to establish institutions to better define and enforce property rights.⁷ In Kenya, however, the formal individualization of land has been in place since independence yet it's one of the causes

⁵Ibrahim Farah, *Human security: Setting the agenda for the horn of Africa* (cited in Makumi Mwangi) Pg. 181

⁶ Simiyu Robert R, *Militianisation of resource conflicts: The case of land-based conflict in the Mount Elgon region of Western Kenya* Institute for Security Studies, 2008

⁷ Boserup, E. 1965. *The Conditions of Agricultural Growth: The Economics of Agrarian Change under Population Pressure*, London: Earthscan Publications

... mean and refuse to share land with the others hence leading to competition for land resulting into conflict.

Land issues in conflict-affected and conflict-prone societies are often multifaceted and difficult to resolve. Land-related violence can frequently be traced back to historical grievances related to land distribution in an economic and governance context characterized by an incomplete process of transformation from traditional to modern.⁸ With good governance it should never be difficult to resolve the land conflict in conflict affected or conflict prone areas. It is the governments in East Africa that fails its people and makes things that are possible look impossible.

According to Vlassenroot, recent research into protracted crises has illustrated that land disputes are triggered by shifts in the rights and institutions that govern access to and use of land.⁹ This to me might be one of the reasons that lead to land conflict but not a major one. To me the major reason here is that the policies are made but not adhered to by the authorities, in other words the opinion leaders who are to govern us are not following the policies that they make strictly for their own selfish interests.

The distribution of property rights between people has a major impact on equity, identity and productivity. It is evident that inequitable land distribution, land-tenure problems and weak land administration can lead to severe injustice and, therefore, potentially to violent conflict. Similarly, the recent increase in large-scale land acquisitions by companies and foreign states has accentuated the need for governments to

⁸ N. Pons-Vignon and H. B. Solignac Lecomte (2004). Op. cit. p.26.

⁹ K. Vlassenroot (2006). "Households land use strategies in a protracted crisis context: Land tenure, conflict and food security in eastern DRC" FAO. Available at <ftp://ftp.fao.org/docrep/fao/009/ag306e/ag306e00.pdf>. p.1.

with transparent and coherent land governance in order to ensure that local populations who depend on land are not marginalized, displaced or deceived.¹⁰ Deininger has actually stated the real thing. Where there is equity in land distribution there is no conflict and where the administration is weak may be due to corruption then land conflict will always arise.

On *Mau Mau and Kenya* Maloba seeks to redress what he believes to be the misinterpretations of the Mau Mau revolt by ideologues of both the left and right. He argues that Mau Mau was both a peasant uprising and a "nationalist" struggle, part of the broader fight against colonialism throughout Africa, comparing it to other Third World and European revolutionary movements.

As a peasant revolt Mau Mau lacked the essential unity of focus provided by a revolutionary cadre both in terms of leadership and ideology. But it was successful, in Maloba's view, as a nationalist/anti-colonial uprising, acting as a catalyst toward independence. The nationalist argument, however, does have its limitations.¹¹

Thiongø believes the fact that the majority of non-Kikuyu were suspicious of Mau Mau intentions and did not see the struggle as their own. If Mau Mau was truly an anti-colonial, nationalist movement rather than a Kikuyu manifestation should not have the other Kenyan tribes joined in or tacitly supported the struggle?¹² Maloba believes this question to be irrelevant, claiming that all nationalist movements necessarily originate

¹⁰ K. Deininger (2010). *Rising global interest in farmland* World Bank. Available at http://siteresources.worldbank.org/INTARD/Resources/ESW_Sept7_final_final.pdf

¹¹ W. Maloba (1998). *Mau Mau and Kenya*

¹² N. Thiongø, (1965). *The River Between*

traces how economic and social disaffection in rural areas combined with the political radicalism of Nairobi to form Mau Mau. This movement, members of whom were bound together by oath, was dedicated to the violent expulsion of Europeans and the recovery of "lost" land. Both Mau Mau and the colonial government were unprepared at the start of the Emergency in 1952. The government underestimated the extent to which support for Mau Mau had penetrated Kikuyu areas (the colony's largest tribal group) and the determination of the insurgents to resist.

Initially Mau Mau held the initiative, attacked government outposts in Kikuyu areas from its sanctuaries in the forests and enjoyed widespread support among Kikuyu. In early 1954, however, the government finally came to grips with the scale of the insurgency. The security forces systematically isolated Mau Mau from their supporters and then defeated them in a war of attrition using superior firepower and resources. On the political front, Maloba provides a useful analysis of the changes instituted by the Colonial Office starting in 1954 to increase African representation and the divisions the changes generated between the European settler community, the Kenya government and the Colonial Office. He also traces the underlying political dynamic among the Mau Mau forest fighters, the factional rivalries between literate and illiterate leaders, and the general lack of a coherent politicization within the movement.¹³

Mau Mau was like an insurgent group that was fighting for their land in broader aspect (country) and fighting too against colonialism. It was an insurgent because it was a body not formed by the colonial government. They did not want to be governed in their own land where they were treated as slaves and lived as squatters. Maloba says Mau Mau was

¹³ W. Maloba (1998). "Mau Mau and Kenya"

are governed well and given land equally then there won't have been any megagroup formed and no conflict thereafter.

The Loita forest at Maasai area in Narok District, Kenya holds a wealth of natural resources, as well as a plethora of local species, making it an extremely valuable region for tourism. The forest also holds deep cultural meaning for its people, being the site for many traditional beliefs and rituals. Though the Loita Maasai are still very poor, they have been consolidating their social capital, or institutional wealth, to increase their political muscle and protect their land.

The Loita Forest conflict began in the late 1890s, when government officials and the then Councilor of Loita conspired to gazette the Loita forest into a National park to profit from tourism revenues. When the Ilkerin Loita Integral Development Project (ILIDP) learned of this, they contacted the Loita Council of Elders.

Although these two groups recognized the Narok County Council, represented by the Loita Councilor, as having the formal authority to decide on the future of the land based on a -bureaucratic-development model of interference, they felt they had to respond to try and save their right to use the land. The Loita Council of Elders (LCE) arranged to meet with the Minister for the Environment, who they convinced that the forest should remain accessible to the Loita Maasai. The Loita faction succeeded in agreeing with the LCE to withdraw the case from court. Plans for a comprehensive and representative management plan were made.¹⁴

¹⁴ Fred Zaal and Morgan Ole Siloma, introduced institutions and political Networks combating pastoral poverty, 2009.

...ution of land from weaker to stronger parties can fuel and prolong conflicts, as seen in Burundi, Rwanda and the Democratic Republic of the Congo. Additionally, several conflicts arise when the land that is allocated is deemed to be either inappropriate or inadequate.¹⁵ Huggins here is talking about poor governance where the big chunks of land are given to the wealthy and the rich are left with none or very small pieces of land. The weak or the poor will definitely feel oppressed and form an illegal group to fight for their land rights and this will lead to the rise of insurgency.

Land conflicts cause environmental migration. The study also noted that there is a clash between communal land tenure system which is normally practiced by the nomadic communities and individual land tenure system practiced by the farmers. The study give example of in Africa where approximately 600,000 people moved from central/northern Ethiopia to the southwest/west regions because of drought and famine which resulted in nomad-farmer conflicts over land.¹⁶ This is very true, where there is land conflict people fail to cultivate and taking good care of land hence resulting into drought and famine. Human beings cannot live where there is drought and therefore they will have to migrate in search of greener pastures for their animals and food for themselves.

Land, water scarcity and degradation in early 1990s in Rwanda forced around 1,7 million people to move from the central regions and rural south to northern Rwanda and Zaire. The study noted that even though the real cause of conflict was on ethnic lines one of the underlying cause was land. According to this study declining access to land, or

¹⁵ Huggins, C., H. Musahara, P.M. Kamungi, J.S. Oketch and K. Vlassenroot 2005. Conflict in the Great Lakes Region ó How is it linked with land and migration? *ODI: Natural Resource Perspectives*, 96, pp. 164.

¹⁶ Reuveny, R. 2007. Climate change-induced migration and violent conflict. *Political Geography*, 26, pp. 6566673.

Human uses of land, is seen as a key process that causes livelihood contraction and hence increases the risk that people will join armed conflict.¹⁷

De Soysa and Reuveny argues the same. This therefore redirects us to poor governance in a way that if land is well governed people will feel satisfied and there won't be conflict so they will concentrate on farming and bettering their lives. There will be no reason for them to migrate.

Mkhabela investigated the role of land tenure system as a source of conflict in Swaziland. The study identified various potential sources of conflicts which included inequitable access to land and gender bias, overpopulation on Swazi nation land, land degradation, tenure insecurity, farm squatting and land scarcity, speculative trends in the land market, slow socio-cultural changes and lack of control due to non-existence of land rights. The study concluded that land distribution and land tenure system resulting in inequity becomes a source of conflicts to the extent that such land tenure systems are not resolved.¹⁸

The negative consequences of scarcity-induced land-related conflicts in Ethiopia which has resulted in high levels of household vulnerability led to the absence of clearly defined property rights and management plans have led to the over-exploitation of the hillsides, leading to perpetuation of poverty and food insecurity. The study further noted that poverty and food insecurity in turn has a potential causing land related conflicts in Ethiopia.¹⁹

¹⁷ I. de Soysa and N. Gleditsch, *To cultivate Peace: Agriculture in a World of conflict* 1999

¹⁸ Mkhabela, T. 2006. Impact of land tenure systems on land conflicts: Swaziland ó a country case study. *Africanus*, 36 (1), pp. 58-74.

¹⁹ Bogale, A., M. Taeb and M. Endo 2006. Land ownership and conflicts over the use of resources: Implications for household vulnerability in eastern Ethiopia. *Ecological Economics*, 58, pp.

investigated land tenure system and its influence on conflicts in Burundi. The study looked at the predicament of former Burundi refugees in the post conflict scenario. The study highlights land-related conflicts in post-conflict environments, showing how in Burundi returnees (former refugees and displaced people) face considerable challenges in reclaiming and securing their land rights. Theron (2009) argues that if a large number of returnees are not able to reclaim their land and other properties, their frustrations could lead to violent actions. Furthermore, Van Leeuwen warns that land disputes in Burundi need to be framed beyond returnee-related conflicts if interventions Land-related conflicts in Sub-Saharan Africa and peace-building efforts are to have long-term success. The study asserts that disputes were related to a range of factors that also need to be understood such as the limited size of family property, patriarchal customary inheritance practices, cultural values attached to property and manipulations by state representatives.²⁰

The resulting conflict from land accumulation by few individuals and lack access by others in Rwanda resulted into extreme land scarcity coincided with accumulation of land by individuals with access to non-agricultural incomes, which led to land conflict as one of the principle reasons for the outbreak of the civil war in 1994.²¹

Deininger and Castagnini assessed the land policies in Uganda as a potential source of conflict. The study found that Uganda has an ineffective land policy which

1346145.

²⁰Theron, J. 2009. Resolving land conflicts in Burundi. *Conflict Trends*, 1 (2009), pp. 3610.

²¹ C. André, J.-P. Platteau/J. of Economic Behavior & Org. 34 (1998) pgs 16-47

tenure systems which are faulty resulting in frequent land conflicts and reduced level of productivity.²²

When one reads about all these scholars, they will come to realize that the most dominant factor that fuels land conflict in East Africa and Africa as a whole is poor governance. With all the above in mind as scholars we need to identify some key factors that can help our opinion leaders to understand that greed on land is the major cause of conflict. Policies should be put in place to govern land appropriately and the politicians should adhere to them for the betterment of our own countries and region. When land is well managed the insurgencies that arise due to it will end hence people will live in peace.

1.5 Theoretical Framework

This project is based on two theoretical areas. The first area is the Theory of Human Needs. Deininger states that the distribution of property rights has a major impact on equity, identity and productivity. It is evident that inequitable land distribution, land tenure problems and weak land administration can lead to violent conflict due to severe injustice. This theory here is depicted when we see land as a major human need.²³ This is because land provides and stores basic human needs like agricultural produce, minerals, water, construction materials like grass, timber, home for wild animals that attract tourists, materials for making clothes like cotton wool etc.

²²Deininger, K. and R. Castagnini 2006. Incidence and impact of land conflict in Uganda. *Journal of Economic Behaviour and Organisation*, 60 (3), pp. 321-345.

²³ K. Deininger (2010). "Rising global interest in farmland" World Bank. Available at http://siteresources.worldbank.org/INTARD/Resources/ESW_Sept7_final_final.pdf

is highly valued by human beings is mismanaged there will always be a section of individuals who will feel oppressed and due to the oppression they will often tend to react in order to be assisted. When they raise their problems through the right channel and no one hears them then they tend to deviate and over react by forming some illicit groups that they believe will be famous and the government will hear their plea. When nothing is done about the illicit groups then definitely there will be a conflict where they try to fight to get back what they believe it rightfully belongs to them.

This study examines the parameters of Human Needs Theory as a widespread phenomenon. There have been many examples of such intrastate conflicts since the end of World War II. The reason for the focus on this theory is that it is mostly waged in poor countries.

Consequently, these conflicts tend to exacerbate the already abysmal poverty of these countries by destroying their fragile economic bases and inflicting endless misery upon generations of people. The theory emphasizes that the root causes of war lie in the human nature and human behavior.

Human needs theory has been developed as a generic or holistic theory of human behavior. Its basic assumption is that humans have basic needs that have to be met in order to maintain stable societies. According to Andre and Platteau, Rwanda's extreme land scarcity coincided with accumulation of land by individuals with access to non-agricultural incomes, which led to land conflict as one of the principle reasons for the outbreak of the civil war in 1994. The Human Need Theory depicts that even the rich people who most of them are the opinion leaders in governments (politicians) with

They still found land as a major human need that they needed to own so they used their money and power to acquire it hence leaving the poor having no source of livelihood.

The second area is on Conflict Theory which is explicated; it is a fusion of developmental psychology and is used to explain insurgency and conflict in general.

Land conflict theory is a subset of conflict theory, a sociological perspective that focuses on structural antagonisms in society and their resolutions. Conflict theory is generally traced back to Marx, who first posited a sociological account of social conflict in his theses on class and capitalism. Conflict theory was subsequently taken up as an academic challenge to functionalist and positivist perspectives in the social sciences. Land conflict theory applies conflict theory premises to land disputes.²⁴ According to Simiyu in Rift Valley and in other parts of the country, the land question has occasionally been exploited by politicians as a tool for political survival especially in the context of political competition. In the name of defending their people the politicians reignite and exploit historical injustices in land allocation to entice local population against invaders.²⁵

These two theories above are a significant part of my project's emphasis on bringing the light to the people on the root cause of insurgency and land conflict which is definitely poor governance. It will help the reader to be able to find solutions on poor governance of land hence making the politicians stop the menace for the sake of their people's peace.

²⁴ S. Goff (1995). *Theories of Land Conflict*

²⁵ Simiyu Robert R, *Militianisation of resource conflicts: The case of land-based conflict in the Mount Elgon region of Western Kenya* Institute for Security Studies, 2008

The study is guided by the following assumptions:

1. Poor governance of land and ineffective land policies in EA led to insurgency.
2. Insurgency operates in a network that has a significant impact on economic development.
3. Establishing policies that are adhered to strictly both by the government and individuals will help reduce insurgency.

1.7 Methodology of the Research

1.7.1 Research Design

In this study we are going to use multi-methodological approach which is chosen for different categories of stakeholders and to help gather comprehensive evidence and give a more complete picture of what the study is all about. Qualitative research will be used here in form of interviews where by subjects will be interviewed and given a chance to narrate their experience, EAC will be interviewed to explain their challenges, government also interviewed to explain about poor governance of land. In this study quantitative research will be used too, to summarize large information, to achieve greater accuracy and eliminate biasness.

1.7.2 Sample Design

In this study I am going to use non probability sampling technique whereby I will use one of its elements which is purposive or judgmental sample to select a population that has got the knowledge on land conflict and how it has led to rise in insurgency.



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Questionnaires will be used in areas that are affected by issuing them out to the victims and the affected people to help me get the exact picture of what happens on the ground.

Interviews will be used at the authorities concerned with the resolving of the issue like EAC and government. Interviews will also be used on members of the illicit groups so as to get to understand their emotions and why and how they joined or started the group.

1.8 Data Analysis

The information obtained through quantitative research design will be expressed in use of graphs and charts while the information obtained through qualitative research design will be expressed through descriptions and direct quotations.

For instance in quantitative analysis we will be able to detect how many insurgent groups are in East Africa as a result of land conflict and in qualitative analysis we will know how, why and when the groups are formed. Thereafter, will do a data interpretation according to the analysis above.



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This study was organized in five chapters:

Chapter one provides the introduction to the study by giving a background to the study, specifying the problem statement, literature review, research questions, hypothesis and methodology employed. By doing this the reader will be able to understand well the major cause of all land conflicts in East Africa and therefore can help implement a policy that can assist in resolving the menace. Here our topic of discussion is based on poor governance of land as a major cause of insurgency.

Chapter two explores how land conflict in East African Community has led to the emergence and expansion of insurgency. Here the reader will be able to understand why there are so many insurgent groups based on tribal lines. Most communities when they fight for land they tend to separate themselves from the others by using their tribes, hence forming insurgent groups on the tribal basis. The major topic of discussion here is evolution of land conflict and insurgency in EA.

Chapter three depicts the research findings as it discusses the dimension of insurgencies in East African Region in relation to governance and land issues. It will touch on Mt. Elgon insurgency and Mombasa insurgency. Here we get to talk to the sampled victims and the affected ones through questionnaires, interviews, group discussions etc. the information we get is raw data that will be able to assist us to assess the situation on the ground. The reader will therefore get to wear the shoes of the victims and the affected ones hence more understanding of the whole scenario. He there I assess land conflict in Coast Province, Ministry of Land and Mt. Elgon



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Chapter four presents the results of data collection and analysis of resource conflict with special focus on land distribution in East African Region especially Kenya. It therefore makes it easier for the reader to have a general knowledge of the approximate figures by percentages that are given for different incidences. The title here is poor governance effects on the victims.

Chapter five is the final and it concludes with a summary and recommendations drawn from the analysis. It also examines the study's implications on governance and policy. It typically gives a summary of first four chapters of the study.

Bibliography consists of the sources where the researcher obtained information for the study. These sources were from books, journals, treaties or charter. The sources are arranged in alphabetical order.

CHAPTER TWO

EVOLUTION OF LAND CONFLICT AND INSURGENCY IN EAST AFRICA

2.0 Introduction

This chapter discusses the evolution of land conflict and insurgency in East Africa from pre-colonial period to date. Further, the chapter delves in examining the factors that fuel and sustain the conflict and intervention initiatives by the governments concerned in restoring peace and stability.

2.1 Evolution of Land Conflict and Insurgency in East Africa

East African Community has experienced challenges when it comes to land issues that have seen the formation of insurgent groups. Each country has its own laws when it comes to land issues. The insurgent groups have been formed to fight for their right to ownership of land following the government failure to resolve the case and see justice being done.

Kenya has had long history on land right from the colonial time as issues of injustices were experienced. This is married with the colonial policies of removal of resettlement and this resulted in the grabbing of land after independence. As such governance has been the body to question as all this happened as they observed from a distance. The Mt. Elgon case clearly shows the issues of governance and land which resulted into the formation of SLDF. This resulted into human rights violation in the district of Mt Elgon. however, there has been other illegal groups formed as a result of land and this includes

...olican Party (MRP) which declared the Coast Province is not part of Kenya and Kisumu in Kisii which sees that there is inequitable distribution of resources.

There is the issue of land that goes even up to the borders, cases where Kenya and Uganda are fighting for an Island in Lake Victoria called "Mbingo". More so, Uganda has been so vocal on border disputes demanding for land which does not belong to them. This has been worse in Uganda where inter district borders have resulted into the formation Lord's Resistance Army (LRA) as an insurgent group.

In addition to that, we will see how Rwanda refugee returnees, who were displaced as a result of the 1994 genocide, things were not the same as they fought for land claiming to be their ancestral. In Tanzanian things were not different as conflicts have risen from issues of land as it can be traced right from the colonial power.

This chapter also depicts how land and its poor governance has been the cause of the formation of insurgent groups that have ruined development in these rich nations of East Africa.

2.2 Kenyan Situation

The defining feature of land law and policy development in Kenya is the new Constitution that was promulgated in 2010. The Constitution is a response to a long history of land injustice in the country, beginning with colonial policies of forced removal and resettlement, to a post independence land grab that saw much of the country's resources consolidated in the hands of a few groups and individuals to the exclusion of the majority. Kenya's Constitution vests land in communities which may be

city, culture, or similar community of interest.²⁶ The new Constitution also mandates the National Land Commission (yet to be established) to encourage the use of traditional dispute resolution mechanisms in land conflicts.²⁷

If the constitution is well observed then there will be a solution over land conflict in Kenya.

Land at the local level in Kenya, especially traditionally held community land, is often managed under the Trusts Lands Act. Under the act, Trust lands are held by local county councils for the benefit of the local residents or in the public interest, for example, for forests, parks and towns. Land and resources are supposed to be administered under customary laws. However, most county councils have erroneously interpreted the meaning of holding in trust to mean that the council owns the land and the resources thereon, thus disregarding customary laws.²⁸

There are several cases concerning land in Kenya, for instance there is the Mt. Elgon insurgency over land where Land-based conflicts have been a common phenomenon in Kenya since the pre-colonial days. Community conflicts and violence have erupted over land and associated resources in different parts of the country, particularly between agriculturalists and pastoralists, resulting into the loss of many lives, massive destruction of property and livelihoods, population displacements and human rights violations.

²⁶Constitution of Kenya (2010), Act.63(1).

²⁷Constitution of Kenya (2010), Art. 67(2)(f).

²⁸Ole Nkako, F. M., "A Kenyan Perspective on Conflict Management Strategies for Sustainable Natural Resource

Management: Integrating Conflict Management into National Policy Frameworks" in "Integrating conflict management considerations into national policy frameworks: Proceedings of a Satellite Meeting to the XI World Forestry Congress" 10-13 October 1997, Antalya, Turkey; Forests, Trees and People Programme, Conflict management series / FAO, Rome (Italy). Forestry Policy and Planning Div., 1998, p. 254656.

that the unresolved land question was at the root of the unprecedented violence that rocked the country in the aftermath of the disputed December 2007 elections, not least because the violence was most widespread and intense in the Rift Valley region, where the land question has been most intractable. Yet, the rhythmic nature of land-related violence, often coinciding with general elections and other critical moments in Kenya's national politics, indicate that there may be more to it than just land disputes or pure intercommunity hatred. Certainly, it points to a possible political motive for the chaos.

This is borne out by the fact that in some instances, state agencies have been implicated in the conflicts, while in others the state has remained ambivalent. The result is that many conflicts remain unresolved, some years after they first started. Such is the case with the conflict in Mount Elgon district.²⁹

2.2.1 Displacements and Killings in Mt. Elgon

In the past two years, from the beginning of July 2006, the Mount Elgon region has evoked in print and electronic media outlets images of displacement, separation and civilian deaths. So far, over 600 people have lost their lives, many more have been injured and about 66 000 have been internally displaced and live in dismal conditions in neighboring districts (KNCHR 2008). Many families have been torn apart and the education of thousands of children disrupted.³⁰

²⁹ Robert Romborah Simiyu, *Militianisation of resource conflicts, The case of land-based conflict in the Mount Elgon region of Western Kenya* (2008)

³⁰ Kwalia, B and Kapchanga, L 2008. Knut wants Mt Elgon land row resolved. *Daily Nation*, 4 March

ty in the area led to increase of cases of diseases like malaria, diarrhoea among many others. Poor work environment also led to loss of income and all this we blame on conflict. It's because of land issues that the Mt Elgon people started forming groups to help them resolve the land issues yet these groups were not well organized hence ending up into illicit groups which have led to massive destruction of properties and loss of lives. The district has now retrogressed due to lack of peace since the illicit groups are posing as threats in the name of protecting their people. As much as people put the blame on ethnicity the underlying factor is land.

The government of Kenya has done very little in ending this conflict and all this is believed to be due to various factors including corruption, political favourism where by politicians want to gain from land in the name of fighting for their people, ignorance and many more other reasons.

Land is central to Kenya's economy, society and politics. The country's economy has over the years been driven by land-related activities notably agriculture a trend that is expected to continue into the foreseeable future. Even the quest for industrialization is premised on the growth of agro-based manufacturing.³¹

2.2.2 Insurgents as a Result of Land Conflict in Kenya

The insurgent groups that come up as a result of land conflict are using the criminal activities as their livelihood and they seem to be doing well when others are

³¹Odhiambo, M C 2002. Advocating for land policy reforms in Kenya, Uganda and Tanzania: NGO lessons and prospects. Paper prepared for the second workshop of the Pan-African Programme on Land and Resource Rights held in Lagos, Nigeria, on 15-16 July.

...s the youths who are jobless to join the groups for their survival at the expense of innocent residents.

In Kenya the illegal groups that have been formed as a result of land conflicts are so many that I cannot mention all of them, these include, Mau Mau, Mombasa Republican Party (Pwani si Kenya)³², the Sabao of Mt. Elgon, Mungiki of Central Kenya , SunguSungu of Kissii among several others.

An assessment of the socio-economic and political conditions revealed that Kenya in particular is characterized by an excessively inequitable distribution of resources. Distributional conflicts tend to be intractable.³³ This is because minority groups who are denied space for political participation or cultural expression tend to recognize power hierarchies as unjust and rebel against them. Water conflicts in arid zones of north east Kenya and north east Uganda are a good example of high stake classic distributional conflicts. Conflicts in the Mt. Elgon area in Kenya are largely about access to land and water which are both diminishing.³⁴

2.3 Rwandan Genocide in 1994

There are three tribes in Rwanda these are the Hutus who are the Bantus and are 84% of the total population and Tutsis who are Hamitic hence 15% of the total population and lastly Twa (pygmy) 1%. In 1959 the majority ethnic group, the Hutus, overthrew the ruling Tutsi king. Over the next several years, thousands of Tutsis were

³² Pwani Si Kenya means Coastal region is not part of Kenya.

³³Maiese Michelle 2003 Causes of Disputes and Conflicts, Beyond Intractability Org.
http://www.beyondintractability.org/essay/underlying_causes, 10/18/2007

³⁴Nzwili Frederick 2007 Water Conflicts Increasing Conference, Worldwide Faith News, UN Security Council, June 5

driven into exile in neighboring countries. The children of these exiles later formed a rebel group, The Rwandan Patriotic Front (RPF), and began a civil war in 1990. The war exacerbated ethnic tensions culminating in April 1994 in the genocide of roughly 800,000 Tutsis and moderate Hutus. The Tutsi rebels defeated the Hutu regime and ended the killing in July 1994.³⁵

Inequality and social tensions have existed in Rwanda prior to the civil war which began in 1990. The pre-colonial and colonial-era situation, led to the political dominance of an elite group within the Tutsi community. However, on the eve of independence, the Belgian colonial power essentially switched allegiance to those advocating for Hutu majority rule. The social revolution of 1959 led to most Tutsi in positions of power being forced or voted out, and there were widespread ethnic pogroms against Tutsi across the country. Post-independence governance, despite some positive characteristics, came to be characterized by exclusionary state policies and political networks which functioned through patron-client relations between factions of the state elite, and contributed to poverty and grievances amongst the rural poor.³⁶

These grievances were used by some political elements in the transition to multi-party politics in the early 1990s, which occurred against a backdrop of civil war. Rwandans in exile formed the Rwandan Patriotic Front (RPF) and invaded the country from Uganda in October 1990.

³⁵ CIA World Factbook

³⁶ Herman Musahara and Chris Huggins, Land reform, land scarcity and post-conflict reconstruction(pg271)

Rwanda over land

hundreds or thousands of people were displaced as the RPF, composed mainly of exiled Tutsi, engaged the government forces between 1990 and 1994. Amidst rising ethnic tension and widespread anti-Tutsi propaganda, militia forces allied to political parties, carried out violent attacks against Tutsi civilians with impunity. In advance of the death of President Habyarimana, a 30650 thousand-strong militia was recruited, armed and trained specifically for the task of massacring Tutsi, and Hutu opponents of the extremists.³⁷

The genocide of 1994 was directed, planned, supported and incited by officials in the armed forces, the police and the civil authorities. Civilians were forced and cajoled into violence through a number of means, including propaganda, bribery, intimidation and fines for criticizing the genocide policy. Over 800,000 people, the vast majority Tutsi, are believed to have been murdered.³⁸ The failure of the international community, including the United Nations (UN), to prevent or stop the genocide, and the alleged complicity of some Western countries, continues to affect relations between Rwanda and the outside world.³⁹

The people who had fled the country in the immediate aftermath of the war and genocide who were almost entire Hutu returned in late 1996 or early 1997. These influxes resulted

³⁷G Prunier, *The Rwanda crisis: History of a genocide, 1959 –1994*, Fountain Publishers, Kampala, 1996; Human Rights Watch/ Alisondes Forges, *Leave none to tell the Story: Genocide in Rwanda*. HumanRights Watch, New York, 1999.

³⁸The government gives a figure of 937,000 people.

³⁹See L Melvern, *A people betrayed: The role of the West in genocide in Rwanda*, Zed books, London, 2000.

ip for farmlands, buildings, and agricultural and forest products.

Land scarcity, exacerbated by inequitable distribution of land, has also been described as one of the proximate causes of the genocidal violence. It has been well-documented that during the genocide, extremist politicians urged people to kill Tutsi and moderate Hutu in order to gain access to their land. In some cases, those who led the killings were rewarded with land by politicians.⁴⁰

2.3.2 Death of Hybyarimana in Rwanda

In addition to the promise of more lands if people were killed, there was also a fear of loss of land, as well as a general loss of economic opportunities, if the RPF were victorious. The state had for so long been the instrument of wealth acquisition by the elite, that some Hutu feared that their lands would be distributed on the orders of the RPF, to the incoming ~~old case~~ returnees.⁴¹ Indeed, government propaganda claimed that, if victorious, the RPF would redistribute land in favour of the Tutsi.⁴² This argument was also used against Tutsi inside Rwanda, and leaders distributed false evidence of maps showing Hutu-owned fields which would supposedly be grabbed by Tutsi after the RPF gained control.⁴³ These fabrications led to chaos and resulted into the death of Habyarimana the then president.

The OAU, which has today become the African Union, created a report on the genocide in 2000. Before the UNAMIR mission led by Gen. Romeo Dallaire (military) and

⁴⁰G Prunier, 1994, op cit.

⁴¹C Andre and J-P Plateau, 1995, op cit.

⁴²V Percival and T Homer-Dixon, *Environmental scarcity and violent conflict: The case of Rwanda*, Trudeau Centre for Peace and Conflict Studies, University of Toronto, 1995.

⁴³Human Rights Watch/ Alison des Forges, *Leave none to tell the story: Genocide in Rwanda*, Human Rights Watch, New York, 1999.

vilian), the OAU had indeed sent a Neutral Military Observation Group, known by its French initials as GOMN.

2.3.3 EAC on Rwandan Genocide

Members of the East African Legislative Assembly (EALA) have praised the resilience of Rwandans and passed a resolution demanding that the Council of Ministers designate April 7 as the region's day for commemorating the 1994 Genocide against the Tutsi.

The motion was passed Tuesday, 16th April 2013, during EALA's first plenary session that runs until April 26 in Kigali.

In the same motion moved by MP Abubakar Zein Abubakar from Kenya, the legislators also condemned the UN for refusing to heed to warnings in order to prevent the 1994 Genocide against the Tutsi that left more than a million Rwandans dead. "We are moving this motion to celebrate the triumph of human spirit and resilience of the people of Rwanda," observed MP Abubakar in the same motion that proposed that the setting up of an International Trust Fund for Survivors of the Genocide against the Tutsi. They also suggested that a Regional Conference be organized next year to discuss the Genocide and its legacy as part of the 20th commemoration of the Genocide.

To prevent similar killings, the legislators resolved that EAC Partner States respect the Convention on the Prevention and Punishment of the Crime of Genocide by instituting mechanisms to bring to justice those suspected of participating in the Genocide. They also wished member states to enact respective laws preventing genocide denial and hate

coincides with the mourning period for Rwandan victims who perished in the 1994 Genocide against the Tutsi.

Commenting on the International Criminal Tribunal for Rwanda (ICTR), the legislators supported the view that all its archives should be transferred to Rwanda. Opening the same assembly on Tuesday, President Paul Kagame urged African states to support regional integration as a way of empowering Africans.

Uganda's President Yoweri Museveni, who is the Chairperson of the Summit of the EAC Heads of State, is today expected to deliver the annual State of EAC Address.⁴⁴ During the 1994 Rwandan Genocide the EAC was not fully formed and that is the reason why they couldn't speak in one voice to stop it yet international community did not consider the genocide as an emergency issue hence leading to massive loss of lives.

2.3.4 Living Conditions Before and After Colonization in Rwanda

After decolonization many scholars, especially those from the west and even some politicians from the third world countries wrongly believed that ethnic politics would have no room in the politics of the newly independent and modern states. It was also believed that ethnic groups will give way to nations and that nationalism will quickly replace ethnocentrism. On the contrary Lipset observes, there has been a remarkable resurgence of ethnic demands and conflict in the most modern parts of the world.⁴⁵

⁴⁴Gahiji, News of Rwanda, Fri, April, 19th 2013.

⁴⁵ Seymour Martin Lipset, ed. , "Multiethnic Democracy," The encyclopedia of democracy, Washington D.C: Congressional Quarterly. Vol3, 1995.Pg. 885.

These lived together in harmony, they spoke the same language, they intermarried, shared the same culture and geographical territory and belonged to the same clans. Yet in a period of less than three months in 1994 about one million Tutsi and moderate Hutus were killed by their Hutus neighbors in one of the most horrific genocides ever witnessed. According to me this genocide came as a result of modernization in the name of colonization where the Rwandese were taught the importance of land and how important it is to own it. So the Hutus wanted to own more land by eliminating the Tutsis and that's how ethnicity is depicted here. One thing led to the other and that is land.

2.4 Uganda

According to Advocates Coalition for Development and Environment (2009⁴⁶), land conflicts will escalate in at least 30 districts in Uganda unless urgent measures are taken to resolve them. The conflicts include border disputes with neighboring countries⁴⁷, inter-district border disputes⁴⁸, wrangles between landlords and tenants⁴⁹, and tenants resisting acquisition of land by investors.⁵⁰

⁴⁶Lydia Namubiru, Uganda: Land Wars threaten 30 Districts in the New Vision Newspaper 24th April 2009

⁴⁷Examples include; Migingo Island in Lake Victoria pitting Uganda against Kenya, a 9 km stretch in Yumbe between Uganda and Sudan, the Katuna border area with Rwanda, the Mutukula border area with Tanzania, and Rukwanzi Island in Lake Albert, Semliki, Medigo area in Pakwach and Vurra border area in Arua.

⁴⁸Disputes over district borders exist between Moroto and Katakwi, Sironko and Kapchorwa, Bundibujjo and Kabarole, Moroto and Lira, Tororo and Butaleja, Butaleja and Budaka and over Namatala swamp between Mbale and Budaka Districts.

⁴⁹In Buganda region, conflicts are expected to worsen between land owners and tenants, the latter increasingly facing eviction as land becomes scarce and its value goes up. Violent evictions have pervaded the area in recent years.

⁵⁰Especially in northern Uganda; Amuru District in Acholi

value of land as for Uganda is naturally high⁵¹ as a strategic socio-economic asset, where wealth and survival are measured by control of, and access to land. As a wealth and survival asset, it is a central element in the most basic aspects of subsistence for many, particularly among the poor despite its being characterized by complex social relations of production.⁵²

Food security in Uganda relies on access to land and tenure security. Land governance is marked by the contradiction between relatively progressive legislation and only partial implementation. Institutions that have to deal with land administration and land disputes, such as customary authority systems, local government, and special courts for land justice, have weakened in the last years. Women's position with respect to land and inheritance also remains weak, both legally and in practice, undermining their livelihoods and status in society.

Tenure insecurity in Uganda is a source of conflict: within families, between groups and between communities. Overall, land issues are increasingly politically sensitive. Specific issues are the landlord-tenant relations on Mailo land; land tenure insecurity in post-conflict Northern Uganda; disputes over land expropriation by government; the implications of oil exploration and mining for local land tenure systems and rights, in particular for pastoral livestock systems; and accusations of land grabbing in rural and urban areas. To tackle these issues, a new land policy is being proposed and now at the level of government to be discussed.⁵³ The Uganda Land commission is responsible for

⁵¹Refugee Law Project , 2006

⁵²Deninger, 2003

⁵³Africa News Service (ANS). 2004. Uganda: Northern conflict creates protection crisis NGOs.<http://www.gmu.edu/departments/icar/ICC/Northernconflict>

the private sector for investment purposes and maintains records of leases on state land. Other ministries and government agencies, like the Uganda Wildlife Authority and the National Forestry Authority, are responsible for specific types of lands, such as protected areas.

Land conflicts are common and can appear as trans-state boundary disputes, boundary disputes or conflicts between districts, ethnic land conflicts, conflicts between pastoralists and agriculturalists and within families; and most of these are on the rise.⁵⁴ Intra-familial land conflicts (between husbands and spouses, between sisters and brothers, between generations), are increasing notably as result of land scarcity and contribute also to land fragmentation. Land cases are the most common disputes brought to local courts or legal assistance projects in many parts of the country.⁵⁵ The land administration system is performing below expected standards with tendencies of fraud, corruption, and political interference, which hinders progress in land service delivery. Decentralized services have as yet lacked presence and capacity.⁵⁶

2.5 Tanzania

In 1895 the German colonial power issued an Imperial Decree which said that "all land in German East Africa shall be regarded as un-owned."⁵⁷ When the British took over Tanganyika after the First World War, they continued this practice, issuing in 1923 a Land ordinance which stated that all land was public, under the Governor. In 1958

⁵⁴GOU, 2011. Ministry of Lands, Housing and Urban Development; the Uganda National Land Policy-Final Draft (30-03-2011)

⁵⁵Levine, Simon, and Jody Adoko. 2006. Land rights and displacement in northern Uganda. Humanitarian Exchange Magazine, 34. Overseas Development Institute, Humanitarian Practice Network.

⁵⁶GOU, 2011. Ministry of Lands, Housing and Urban Development; the Uganda National Land Policy-Final Draft (30-03-2011)

⁵⁷Fimbo, G.M. 2004. Land law reforms in Tanzania. Dar es Salaam University Press, Dar es Salaam.

led the introduction of individual ownership of land, so-called greenoids. This reform was not implemented due to strong opposition from TANU (Tanganyika African National Union).

At independence, in 1961, President Nyerere declared that land is a free gift from God to all. Two years later, in 1963, TANU decided that chieftainship should be abolished. The chiefs had traditionally been authorities of land allocation and guardians of customary law.⁵⁸ Land allocation was from now under the District Administrations and villages. Unlike in Mozambique and Uganda, the chiefs have never been reinstated.

In Tanzania there are conflicts related to mining like for instance in the book *öMining for sustainable development in Tanzania,ö* Kassim Kulindwa et al. identify two main causes of land conflicts related to mining. First, there is lack of planning and co-ordination at the national level. Potential investors are given maps that have not been updated for years. Other claim holdings, and even villages, schools or health facilities may lie within the prospecting area without being marked in the map. The mining companies do not feel that they are obliged to compensate such land users as long as they have not been informed about them.⁵⁹ In their view, they will all be illegal occupiers upon their property.

There have been cases in Geita where investors have been allocated licenses within reserved forests. Kulindwa refers to four villages that had been established in Geita and Mkombazi Forest reserves. The villages had applied for government registration around

⁵⁸Fimbo, G.M. 2004. Land law reforms in Tanzania. Dar es Salaam University Press, Dar es Salaam.

⁵⁹ Kulindwa et al.,2003:90

rs later, in 2002, their registration had not yet been completed. The villages are therefore nonexistent in national records, something which further complicates the issue of compensation. Second, there is often a misconception among local people with regard to both land ownership and legal rights over mining.⁶⁰

2.5.1 Governance and Mining Conflict in Tanzania

One of the earliest reported cases of violent confrontations between foreign investors and local, small scale miners after the liberalization of the economy took place in Mahenge in 1993. Two small scale miners who were accused of illegal mining in an area licensed to a Thai owned company were shot dead by two Thais.⁶¹

A year before, in October 1992, Augustine Mrema, then Minister for Home Affairs, had visited the area. Miners told him that it was hard for Tanzanians to mine since the areas had been given to Thais. Allegedly, Mrema had told the miners to get a claim for a certain area as soon as possible. The miners started mining, found the area to be resourceful, and then went to peg a claim with the Zonal mining officer. The officer told them that the area already belonged to the Thais. The miners continued mining, even after the District Commissioner warned them that they would have to face the consequences, and that all miners without licenses would have to leave the area. The 1993 shooting led to a demonstration by around 4000 people from the mining communities. The paramilitary Field Force Unit (FFU) was used to enforce a curfew. According to Chachage Seithy L. Chachage, no further action was taken by the authorities against the

⁶⁰Kulindwa, K., O. Mashindano, F. Shechambo, and H. Sosovele. 2003. Mining for sustainable development in Tanzania. Dar es Salaam University Press, Dar es Salaam.

⁶¹URT. 2001. The Law Reform Commission of Tanzania. Position paper on the legal framework for the development of the mining industry.

are in by giving promises without consulting with the relevant authorities hence resulting into conflicts.

The conflict at Bulyanhulu is the most well known and controversial mining conflict in Tanzania. Allegedly, more than 50 small scale miners were buried alive when the pits were filled. The conflict also concerns relocations. Small scale miners claim that the process when Sutton Resources got the concession for the 52 sq kilometer mine was irregular, and that the mine legally belonged to SSM, since they had been promised the mining site by a number of politicians over the years, including former President Ali Hassan Mwinyi (in power from 1986 to 1995). The Kahama mine initiated a case to evict the artisanal miners in 1995, and the High Court ruled in favour of the small scale miners on 29 September 1995.⁶³

Opposition politicians from Chadema, CUF and other parties regularly raise issues concerning mining in Parliament (Daily News, 2007b) (Daily News, 2007a). Also MPs representing the ruling party CCM has voiced concern. In April 2007 a female MP argued that mining firms around Lake Victoria harass villagers. The Minister for Energy and Minerals and his deputy both insisted that this did not happen, but said that government ministers would accompany worried MPs for an on the spot verification of the claims.⁶⁴ The MP representing Msalala in Kahama district, however, is reported to have called upon villagers living close to the Bulyanhulu Gold Mine to stop complaining and instead use wisely opportunities offered by the mining companies for

⁶²Chachage, C.S.L. 1995. The meek shall inherit the earth but not the mining rights: The mining industry and accumulation in Tanzania. In: P. Gibbon (ed.). Liberalised development in Tanzania. Nordiska Afrikainstitutet, Uppsala.

⁶³Bradburn-Ruster, M., 2003. A golden example of globalization. Bulyanhulu, the World Bank and the kinder, gentler President Vol. 2007,

⁶⁴Lipili, P., 2007. Mining firms harass villagers - MP (Guardian 16 Apr),

mining in poultry keeping.⁶⁵ The politicians here had their own selfish interests, that's why they gave deaf ears to villagers and insisted on the mining projects since they had shares too which brought them millions of shillings.

2.6 Conclusion

When you summarize all the conflicts in Eastern Africa mentioned here you will get to know that yes there are other causes of conflicts in Eastern Africa but the major ones are the natural resource based conflicts. When u dig dipper on the natural resource based conflicts you will realize that land is the core one since it holds water and provides major livelihoods to them.

The political leaders in Eastern Africa as a whole are also very greedy to own large chunks of land hence influencing the youths to fight for their own benefit and not the youths themselves who are jobless and lack proper education.

The East African governments and the EAC should come together create a center or a forum to be educating our leaders on how they should curb the land menace by ensuring it is equitably distributed and not them fighting to own all of it yet the people who elected them are languishing in poverty and dying of being attacked by their fellow clans men over land. The EAC should come up with land policies that are strictly adhered to and any perpetrators should be severely punished.

Land issues should be put open in public so that people know who owns what size of land and in case of any discrepancies the whole world should be in a position to know and

⁶⁵Guardian, 2007b. Mining company woos vilagers into poultry farming Vol. 2007,



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connect rates will go down.

With these considerations land crisis will reduce hence

ASSESSING LAND CONFLICT IN COAST PROVINCE, MINISTRY OF LANDS AND MT. ELGON

3.0 Introduction

This chapter discusses poor governance of land in Kenya as a major cause of formation of insurgent groups that have posed threats to many lives as they fight for land. The chapter addresses the effects of poor governance in Coast Province, in Mt. Elgon District. It attempts to link the insurgency due to land and its corresponding effects on security. On the security aspect, the chapter analyses the economic, social, political and military aspects that were impacted in the provinces.

3.1 Mombasa Republican Council

Mombasa Republican Council (MRC) is a separatist organization⁶⁶ based at the coastal town of Mombasa which is about 500 kilometers from Nairobi the capital city of Kenya.⁶⁷ The group claims that Mombasa and the coastal area are not part of Kenya and therefore should secede. It has both Christian and Muslim supporters.⁶⁸

Mombasa Republican Council was formed in 1999 to address perceived political and economic discrimination against the people of the coast province.⁶⁹ The group traces its

⁶⁶ Insight - Separatist storm brewing on Kenya's coast

⁶⁷ Kithi, Ngumbao (2012). "Standard Digital News: 'Gangø seeks 'independenceø for Mombasa from Kenyaö.

⁶⁸ <http://www.economist.com/news/middle-east-and-africa/21565641-muslim-extremism-spreads-down-east-africa%E2%80%99s-coastline-contagion-discontent>

⁶⁹ "Kenya's Mombasa Republican Council : The Coast calls for freedom [501811752] | African news, analysis and opinion ö The Africa Report.comö.

and 1963 agreements transferring the ten-mile strip of land along the coast to the Government of Kenya from Zanzibar. Some critics characterize these British agreements as a form of bribery designed to facilitate colonization of the interior. The group contests these agreements as invalid, because they were enacted without the consent of coastal stakeholders, and says the state of Kenya has failed to honor the provisions designed to protect the coastal population.⁷⁰

Mombasa Republican Council was dormant until 2008, when it first raised claims that Mombasa should secede from Kenya to become an independent state. They argued that secession would liberate the people of the coast province from marginalization by the successive governments in Kenya. The slogan they are using is *Pwani Si Kenya* ("The Coast is not Kenya").⁷¹ In response, the government declared the group to be an illegal organization, together with another 33 groups.⁷²

Mombasa Republican Council contested the government's decision in the court. The high court of Mombasa lifted the ban and ruled that claiming the group was illegal was unconstitutional.⁷³

When I visited some three members on 3rd July 2013, at Majengo in Nairobi, who are members of MRC they told me they can tell me a lot but they fear being quoted. So I used their names against their will but promising them nothing wrong will happen. One of them Mohamed Abdulahi 58 told me and I quote:

⁷⁰ "Microsoft Word - 11-11-17 MRC Conflict Assessment Report ó Final
MRC_Conflict_Assessment_Threats_and_Opportunities_for_Engagement.pdf

⁷¹ "allAfrica.com: Kenya: Mombasa Republican Council - Liberators or Nascent Radical Fanatics?"

⁷² "allAfrica.com: Kenya: Mombasa Republican Council - Liberators or Nascent Radical Fanatics?"

⁷³ NATION Reporter (2012 [last update]). "Court lifts Mombasa Republican Council ban - News |nation.co.ke

...ure in Nairobi living in slums like this because we do not
have tana back at home since most of it has been grabbed by our senior
most politicians. When I go home I become a squatter and that really is
disheartening. When we tried to complain to the government they said we
are an illegal group and therefore they never resolved our land problem.
We are so unhappy with our ruling system because all the governments
that come in they never resolve our problem.”⁷⁴

When Mohamed Abdulahi finished saying his misery I asked him what he thinks could
be the solution and he said the solution is with the government and he hopes soon they
are recognized and given a place to call home.

I talked to an elderly woman among the three called Nina Zulekha 71 and she said:

*“My husband was killed by the police when he was trying to fight for his
land rights. I am from Malindi and I was married in Kilifi where our land
was grabbed by a senior politician whom I won’t mention his name
because he was very senior by then and he planted sisal and made us his
employees and that thing is running up to now. Our children and grand
children are like slaves in their own land where they work for meager
wages. I hate seeing that, and that’s why I prefer being far because when
we come up together as MRC to fight for our rights we are treated badly*

⁷⁴ Mohamed Abdulahi 58 Focused Group Discussion at Majengo Nairobi on 3/7/2013.

...ot mean that we will stop. We will fight till justice is done.

The third person was so sad to talk about the predicament facing them. Ahmed Ali 45 said:

“Since we are still stigmatized in terms of land equality by the government then we demand that Mombasa should secede from Kenya.”⁷⁶

3.2 Ministry of lands

While in the field and particularly at the ministry of lands the respondents who were interviewed noted that the ministry of lands is so aware of cases of land which has resulted into conflicts in the country. Some of the respondents said that the Ministry of lands is aware of land issues that have resulted to conflict in different parts of the country. The respondent said that the governance system in the country seems to control most of the activities of the Ministry of Land for the benefit of the rich as the poor end up suffering. However, some respondents said the ministry is not aware of conflicts that have risen in the country since some of the deeds of ownership have been produced illegally and this makes it difficult for the ministry to know. It is the ignorance of the people who wish to get deeds of ownership that prefers shortcuts that have landed them in conflict on matters related to land.

⁷⁵ Nina Zulekha 71 Focused Group Discussion at Majengo Nairobi on 3/7/2013.

⁷⁶ Ahmed Ali 45 Focused Group Discussion at Majengo Nairobi on 3/7/2013.

in Mt Elgon

The cases of land in Mt Elgon are as old as 1960s, this was seen through 1971 - 1979 formalization of the Chebyuk settlement scheme which was not inexistence was done as the first settlement too came into a conclusion. The poor governance continued with the resettling people in the scheme till when controversies were raised in phase three of settlement. The efforts to reunite the people by ensuring justice was done in resettlement process was cut short as a result of poor governance that paved way for the formation of insurgent group (SLDF) with the view of revoking the process of resettlement as the group was not satisfied with the government way off sharing land among the Ndorobo and the Soy. The Soy community who are the majority realized that the 50:50 percentage of sharing the land with Ndorobo the minority was discrimination.⁷⁷

This chapter is going to discuss the history of land issues in Mt Elgon, this is the important aspect of that will help in the understanding the formation of the insurgent group and the system of governance that contributed to violence in Mount Elgon as a result of fighting for land. These resulted into torture, rape, displacement and lose of lives to many people of Mount Elgon. The chapter will go further to discuss governance as a reason for the formation of the insurgent groups. This chapter basically depended much on views of the respondent as received from the data collected from the field in Mt. Elgon.

⁷⁷ The Mountain of Terror, A Report on the Investigation of Tortutr by the Military at Mt Elgon May 2008, Kenya National Commission on Human Rights. p 7.

The contentious land in contention in Mt. Elgon is located in Chebyuk settlement scheme which covers approximately 21,000 acres.⁷⁸ This land in contention was first occupied by the Ndorobo community in the early 1960s. In 1971 the Ndorobo were moved out of the forest to Chebyuk settlement scheme where over 109 families were resettled. However the scheme was never. In 1979, formalization of the scheme was proposed but the initial number of families had increased to over 2000. The exercise was thus nullified and left unattended to. Several other attempts at resettlement and finalization were carried out and in 1989 the government through the Provincial Commissioner tried to complete the resettlement but the process was marred with political interference, nepotism and corruption that saw an end to it. Applicants however held onto their ballot papers and allocation letters as they demanded to get the piece of land from the settlement scheme.⁷⁹

The second attempt to resettlement was in 1990, but was also soon abandoned due to the 1992 land clashes that had hit most parts of the Rift Valley. Mt Elgon was one of the regions affected by the 1992 land clashes and its impact was highly manifested by an influx of people into the settlement scheme, most of whom were not original inhabitants of the area. There was also an attempt at resettlement in 1997 but was also abandoned due to a lack of political will. The recent attempt at resettlement was started in 2000 and in it the first two phases of resettlement at the scheme were completed.⁸⁰

⁷⁸ The Mountain of Terror, A Report on the Investigation of Tortutr by the Military at Mt Elgon May 2008, Kenya National Commission on Human Rights. p 5.

⁷⁹ Ibid.

⁸⁰ The Mountain of Terror, A Report on the Investigation of Tortutr by the Military at Mt Elgon May 2008, Kenya National Commission on Human Rights. p 5.

Both clans lay claim to the land and more particularly on phase III. This was manifested by both groups making delegations to the two former heads of state Daniel Moi to get his consent to the ownership of the contentious land. The Mosop commonly referred to as the Ndorobo were the first to petition the first president Mzee Jomo Kenyatta to give them the land, this was in a bid to get out of the harsher mountainous moorlands in the forest.⁸¹ The Soy clan was also not left behind in allocation of the controversial piece of land; they sent a delegation to former President Moi demanding allocation of phase III settlement in its entirety.

However in both cases there was no documentation to show the presidential decision or decree taken in regard to the land. This raises the question on authenticity of governance that was applied by the former leaders of the republic of Kenya.

3.3.2 Land Allocation and Issuance of Title Deeds

By 2002, allocation of land and issuance of title deeds in the settlement scheme had not yet been completed. In the hope of garnering votes and endearing themselves to the electorate, politicians vying for parliamentary seats used the same as a campaign promise and more specifically with the promise of settling squatters in households commonly known as *õnyumba kwa nyumba*⁸².

This meant that all families were to be given title deeds based on where one stays or build their home or hut. All the past MPs who have mainly been drawn from the Soy clan in the area none of them have been successful in settling the squatters permanently, yet the

⁸¹ Ibid

⁸² Nyumba kwa Nyumba Means House to House or Door to door.

members. It was almost a consensus amongst the Soy elders and area leaders that the Cheyuk settlement scheme be finalized and was therefore used as a campaign tool in appealing to the squatters. The Soy being the majority demanded a lions share in the allocation of the plots in the scheme. This marked the genesis of discontent with certain leaders notably the former area MP Serut going against the initial agreement.

The surveying of phase I and II begun in 2003 with a total of 2,166 plots allocated. As from 2011 a total of 2157 plots were shown to the registered beneficiaries who have been settled in five acre pieces of land each. Most disputes in the two phases were completed and decisions have been implemented in the affected farms. Phase I is 4,450 hectares, phase II is 1,410 hectares and phase III covers 1820 hectares.⁸³

The settlement in the first two phases was done between the two clans in the percentage of 60:40 as between the Ndorobo and the Soy. Phase III (Chepkurkur) posed a number of problems as the Soy clan who are mainly the majority felt dissatisfied with the allocations in the first two phases in which they only got 40% allocation. A number of consultative meetings between the elders of the two clans as well as political leaders were held and an agreement of sharing the land was reached at as between the Soy and Ndorobo on a percentage of 50:50.⁸⁴

Applications for allocation of the phase III settlement were received from both Soy and Ndorobo in all sub-locations in the district. For purposes of differentiating the two groups, they were registered separately. The vetting process for phase III begun in January 2006 and ended in March of the same year. A group of elders from both sides

⁸³ Extract from Lands Office records in Kapsakwony on 11/6/2013.

⁸⁴ The Mountain of Terror, A Report on the Investigation of Torture by the Military at Mt Elgon May 2008, Kenya National Commission on Human Rights, p 6.

. This was a measure to curb against cases of corruption and nepotism and the elders elected were not permanent but had to be re-elected each time the committee sat. The elders were drawn from the six sub locations, five from each clan. The criterion for vetting of the applicants was also strict and the rules were that; one had to be a Kenyan citizen and therefore production of Kenyan ID was mandatory; One had to be alive-and leaving physically at the scheme; Appearance in person for vetting; and the applicant must not have land elsewhere.⁸⁵ One of the respondents said that;

The method of settlement of squatters called Nyumba Kwa Nyumba (house to house) was the one that fueled the violence. This is because we realized that some of the squatters were not viable to be allocated land in the scheme because though they resided there, they were not genuine applicants and some had land elsewhere. They did not meet the criteria for benefiting in the settlement scheme as set out but the governing body seemed to force them in considering the rule of Nyumba kwa Nyumba.⁸⁶

After completion of the vetting process, the names of the successful applicants were posted to all the chiefs' offices in the area and a total of 866 applicants from each clan were successful and approved in the vetting process with a total of 1,732 plots set to be allocated. With the completion of the vetting process, a number of people were dissatisfied particularly those who were not allocated land. Some of the leaders were

⁸⁵ The Mountain of Terror, A Report on the Investigation of Torture by the Military at Mt Elgon May 2008, Kenya National Commission on Human Rights, pp 6-7.

⁸⁶ Alfred Chelongoi Oral interview at Kopsiro on 13/6/2013.

that the initial agreement by Soy leaders to have most of the land allocated to their community was not adhered to.

3.3.3 Legal Action taken by dissatisfied parties

Several dissatisfied parties began calling for a total overhaul of the process, legal action was sought where it is alleged that the group collected money for purposes of seeking legal redress. However, this action did not bear any fruits as the land in contention had not yet been degazetted and therefore the parties lacked something to support them. The parties realized that there was no political will to resolve the issue and hence they channel the money into financing firearms for purposes of opposing the process and bringing it to a halt hence the formation of the Sabaot Land Defense Force (SLDF).⁸⁷ The group was mainly composed of parties who were opposed to the 50:50 sharing agreement between the two clans, as well as those who did not present themselves for vetting citing corruption in the process and that genuine people were left out.

Due to the increase in numbers, the allocation in phase III had to be reduced to two and a half acres to accommodate more people as opposed to the initial five acres as was the case in the first two phases of the scheme. The dispute amongst the two clans degenerated into clan warfare with the Soy calling the Ndorobo foreigners to the land and the Ndorobo threatening to take up arms should there be nullification to the scheme.⁸⁸ The Ndorobo on their part were satisfied with the vetting process and were supporting for the

⁸⁷ The Mountain of Terror, A Report on the Investigation of Torture by the Military at Mt Elgon May 2008, Kenya National Commission on Human Rights p 7.

⁸⁸ *Ibid*



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...nce of title deeds to be completed as the Soy remained opposed to it.

3.4 The formation of Insurgent group and the system of governance in Mt Elgon

The issue of governance has been an issue in Mt Elgon since mid-1960s. This was the time when the government for the first time established the idea of a resettlement plan for the Ndorobo. The reasons to do so were characterized first, as a mean to protect the Ndorobo from recurring attacks from groups living in Uganda; second, it was a way to include the Ndorobo better into Kenya and to easier provide them with state services, since the moorland they inhabited were very remote and only accessible by foot through the forest; and third and most importantly, the Ndorobo inhabited a water catchment area, which the government wanted to preserve and protect.

This poor governance was seen in 1971 when the government began the first resettlement process, called Chebyuk I which ended in 1974. The resettlement plan which was aimed at relocating the Mosop from the moorland to places further south close to the Soy homelands left the soy community furious as the government was intruding into their land.

As such, the poor governance was married with a series of factors such as poor preparations, lack of deeds of ownership and corruption led to dissatisfaction among the Mosop and envy from the Soy, forcing the government to announce a second resettlement phase in the 1980s called Chebyuk II and ultimately also Chebyuk III which began in 1996-2006, but the problems still remained.

If those resettlement phases led to new problems, mainly that the situation on the ground beginning with population and economic activity changed as they were affected by the condition in which the government had employed in resettling the people.

Despite all the problems, the situation remained peaceful through almost the whole process but it was at the end of Chebyuk III that things changed. This was clearly illustrated by the poor governance which was brought to the scene by the mixture of political misuse of deed of ownership allocation in exchange for political support. This made those who were not receiving land to feel neglected and hence ethnicisation of politics and land ownership has been a common thing in Kenya in general and the resettlement plans in Mt Elgon in particular allowed for extremism. Just as one of the respondent noted;

The system of governance has been so influential in Chebyuk settlement scheme; this is why some of us felt being exploited by the government in their effort to resettle the Ndorobo community in a land that did not belong to them. I remember this was the reason why the Soy community formed an armed resistance group against forced evictions from what they perceived to be their own land, in favour of the Ndorobo. This was the main demanded for the government in the phase III of Chebyuk.⁸⁹

⁸⁹ Christopher Cheret, oral interview at Kopsiro on 16 June 2013.

led in the formation of the Soy-dominated Sabao Land Defence Force (SLDF) an insurgent group which was headed by Wycliffe Kirui Matwakei as from late 2005. This insurgent group (SLDF) at the beginning it mainly targeted Mosop (Ndorobo) and moderate Soy. The group then felt that governance was the cause of all their suffering and quickly shifted its focus to state institutions and the local government. Another respondent said that;

The militia group began attacking police officers as they took uniform and guns from them. The insurgent group also took control of all activities that were managed by the government institution as they ordered every villager to report any matter to the kangaroo courts they had formed. The militia group also stationed their own leaders in each village. This was a big challenge to us because the group began harassing us.⁹⁰

However, by mid-2007, the SLDF became the dominant military and political power in Mt. Elgon district; this was characterized by the winning of the Mt. Elgon part of the nationwide elections in December 2007. The methods used by SLDF were extremely violent, such as the killing of family members of candidates considered to be hostile to SLDF, blackmailing of taxes from the civilians, forced recruitment into their army as well as torture, rape and killings of civilians.⁹¹

⁹⁰ Phanice Yeko, Oral Interview at Kopsiro on 15/6/1013.

⁹¹ Jonas Baumann, The Mount Elgon Conflict in Kenya, May 2011, Pp. 1-4.

and is therefore portrayed well in Mt. Elgon conflict. It was for a long time, the government neglected SLDF and the violence out of disregard for a district of little national importance and also due to bribed local heads of the security forces. In 2007, police activity against SLDF increased, but remained largely unsuccessful.

I felt sorry for the police, some of them were killed brutally, I too felt insecure, the militia group had overwhelmed the Police. My son aged 15 years was forcefully recruited by the insurgent group and all this was because of land and the poor governance people of Mt. Elgon were faced with.⁹²

Following the poor governance, and as a reaction to this absence of state protection, the Ndorobo community began to organize protection for themselves, another insurgent group was formed by them culminating in the establishment of the Moorland Defence Forces MDF. This was named after the region high in the mountains from where the Ndorobo were resettled during the Phase three of Chebyuk processes and to where many of the Ndorobo fled back to from SLDF violence. The goal of MDF was purely defensive, as protecting Ndorobo from SLDF violence, and the group gradually ceased to exist when state security forces engaged more actively in the region.⁹³

It was only when the governing coalition lost Mt. Elgon's only seat in the national parliament to the SLDF backed opposition, it started to react. In March 2008, the

⁹² Bonface Chesebe, Oral Interview at kopsiro 15/6/2013

⁹³ Robert Romborah Simiyu, *Militarization of Resource Conflicts: The Case of Land-based Conflict in the Mount Elgon Region of Western Kenya*, Nairobi: Institute for Security Studies, 2008, p. 14.

Okoa Maisha (‘Save Life’). This operation resulted in the death of Matakwei on 10 May 2008 and the execution or imprisonment of other high ranking SLDF commanders, quickly followed by a vaporization of SLDF in the late spring of 2008. Operation Okoa Maisha was carried out by over 400 members of security forces composed of the military, the Kenyan police, the general service unit, the administrative police and the anti-stock theft police. Before starting the operation, the government considerably limited access for the media and for humanitarian workers to the district, whereby neutral information on what actually happened during the operation is limited.⁹⁴ This clearly illustrates the governance which was poor handled the Mt Elgon Situation.

Nevertheless, it was known that the government used strong force, deliberately targeted civilians and engaged in torture and rape. It was part of the government’s strategy to target complete villages and ‘screen’ civilians for possible adherence to, or support of SLDF. Suspected persons were taken to one of the established military camp at Kapkota, where interrogation, often including torture, continued. For instance, according to government figures, a total of 3265 persons were detained in Kapkota military camp, out of which 2187 were released after questioning. Other military sources speak of over 3800 persons screened at Kapkota camp.

This number is considered to underestimate the real figure as one of the respondent who was a victim of torture by the Military put it,

⁹⁴ *Ibid*.

kapkota is where I was taken for screening together from my village, i was scared as the camp was filled with over 3000 men young and elderly who were half necked only with their underpants, it was another moment of traumatizing as they began screening us, I could not believe it, the screening that was done to me was stripping me necked and I was whipped on the back severally to say something about the insurgent group and whether I knew any person in the group. More pain was inflicted on me as my sexual organ was pulled and kicked as I was forced to say the truth. I had nothing to say as I only new that the group was reacting because of the land issues.⁹⁵

The information given by Mr. William shows that the torture that was inflicted to the suspects at Kapkota camp was too much, on the same not it shows that many people were interrogated. However, it has also been said by the respondent that a series of witnesses saw the military helicopters dumping bodies in forest and these were those suspects who were tortured to appoint of almost dying at the camp, so, the only option was to dumb them into the forest and let them die there. The UN Human Rights Council reports that the number of persons killed or disappeared by the security forces is conservatively estimated at over 2000.⁹⁶

⁹⁵ William Kipkitai, oral interview at chepatais on 17/6/2013.

⁹⁶ Alston Philip, "Promotion and Protection of all Human Rights, Civil, Political, Economic, Social and Cultural Rights including the Right to Development" Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, UN Human Rights Council, 2009. P 27.

SLDF in late spring 2008, the situation in Mt. Elgon district has remained calm, but tensions between the ethnic groups are still high. An official record of what happened during the conflict is still lacking, and reconciliation efforts are inexistent. The lack of an official record is partly compensated by reports of investigations by a series of NGOs such as Médecins Sans Frontières, Western Kenya Human Rights Watch, Human Rights Watch and the Independent Medico-Legal Unit.

3.5 Governance as a reason for Insurgence

As the data collection was done, most victims said they know their attackers were their neighbors and they know the people who funded them were their political leaders. They believe this was for their leaders' selfish interest. If the political leaders could have not interfered then the misunderstanding about land would have been resolved by their elders because since time immemorial their elders have been resolving land issues and it has never reached to such an extent where people kill each other.

During collection of data one of the respondent said,

*“Political leaders are the ones we expect to resolve the land issues yet they contributed heftily to our misery by favouring people from their villages and community and ensuring they secure them land. I am a victim of both the military brutality and the SLDF militia”.*⁹⁷

With this kind of behavior then insurgency is very far from ending since the victim sound bitter and if given a chance they can unite against the people who were funded by political leaders and launch another war. What this victim in Mt. Elgon is telling

⁹⁷ John Nakitare, Oral Interview at Bundari Village in Mt Elgon on June 14th 2013

nce can never resolve the land conflict hence insurgency

will always be on the rampant.

Another respondent said that

*Government never responded to our plea at the appropriate time. It only came in after several lives were lost and some of our young boys and girls were misused by the militia. It was painful as we could do nothing.*⁹⁸

They believe if the government responded in time they would have saved several lives and ended the conflict. Other two respondents who were interviewed together had this to say;

*Two women Alice and Grace were passing buy and when they heard out topic of discussion they the government did not help us settle the issue of land here in Mt Elgon and we are happy for NGO for the efforts they are making to help us, as the government has given as a deaf ear.*⁹⁹

However, according to another respondent,

*The government of Kenya deployed troops after we had gone through hell just to take us back to another hell that is even worse than the militia which are the army”.*¹⁰⁰

⁹⁸ Makokha Oral Interview at Bundari Village in Mt Elgon on June 14th 2013.

⁹⁹ Alice and Grace Oral Interview at Bundari Village in Mt Elgon on June 14th 2013.

¹⁰⁰ James Oloikot, Oral Interview at Bundari Village in Mt Elgon on June 14th 2013.

a misery because the troop did not have much to do apart from instilling fear to the local residents. He added that;

The army carried out extra judicial killings, rape, torture, forced confessions, detention of innocent young men among others.

The respondent even dashed to his house and brought an old newspaper cutting that had a story about his brother who was narrating how he suffered in the hands of the military and not militia. The cutting read, "Claims of torture by the military were brought to light when a 31-year old Mount Elgon resident, Musa Olokoit, narrated his ordeal at the hands of the military to the media on 2 April 2008. He had scars on his body that had allegedly been inflicted by military personnel and claimed he had been picked up by the military on 16 March 2008 while working on his farm on suspicion that he was an SLDF militiaman. When he tried to explain that he was not, the officers whipped him in front of his wife and children using "all manner of weapons, including dog chains, horse pipes, metal pipes and sticks, while others kicked him in the head, chest and ribs." He further recounted that the military officers beat his wife and "left her sprawling on the ground" when she tried "to show them his work certificate as proof that he was engaged in gainful employment and therefore not a fighter." He was then forced into an army truck and taken to Kapkota military camp. Along the way more suspects were taken and continuously beaten and Olokoit claimed that some of them died from the beatings. On arrival at the Kapkota military base Olokoit was unable to walk and was forced "to crawl on his knees for 80 metres on the stony, gravel road to the point where the rest of the suspects had been herded." According to Olokoit "There were about 400 people, mostly youth, at the camp

l of them were bleeding profusely. Some had lost consciousness and were simply lying on the ground, flies hovering over them. I think they were dead.¹⁰¹

So here the victims are not seeing any important role that the government played because initially when they saw the army they were relieved only to suffer in their hands. So they are left wondering who is to fight these insurgencies if the government does not see the urgency instead when they complained, 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.

When asked in the questionnaires, if the perpetrators of violence were arrested, the focused group discussion that was held at Cheptais town, it was noted that;

The perpetrators of the violence in Mt Elgon have not been fully dealt with. Apart from killing of the leader of the militia group it was not the solution to the land problem in mount Elgon as the perpetrators to this were the Ndorobo community, soyi community, other tribes settled in Chebyuk settlement scheme as a result of willingly having bought the land and politicians in Mt Elgon. The wound is not yet healed.¹⁰²

¹⁰¹ Daily Nation, 4 April 2008

¹⁰² Focus group discussion at Cheptais town on 16/6/2013

people were victims, who were arrested and released shortly after and now they are free. This has left them wondering who will come for their rescue because the insurgent group can repeat what they did before.

We were arrested and hope justice will be done considering the torture inflicted on us by the military. What we know is that the military killed some of the SLDF top commanders, including its deputy leader and its spokesman.¹⁰³

Because of poor governance some of the militia members were not arrested because they were liaising with the police to cause mayhem instead police kept killing innocent people. Mt. Elgon has never been the same as people still leave in fear and this makes them wonder if the insurgents are out at large or not.

It is also disappointing as victims of military and insurgent torture have not been compensated by the government and they are still waiting to hear from the government since the cases have not yet come to a conclusion. One is left wondering, how long the cases will take to be resolved.

In addition to that, the respondent in a focused group discussion also said that the militia group was not something you would see coming but they were most of the time found unaware. They said that;

¹⁰³ Focused group discussion group discussion at Cheptais on 16/6/2013.

and the time, the responded said that they were in their houses and some of their family members were killed by machetes and knives. Some of us our houses were set ablaze and lost some of our family members. On the same note, the responded said that some were attacked day time on the road by a group of militia who just started beating them with blunt objects as those who were drunk their ears were chopped of.¹⁰⁴

The poor governance was to blame by many families who lost their loved ones, it was also traumatizing as those who were shopped of their ears could not coordinate as disability was a new thing in their lives. This leaves one wondering, where the government of Kenya was with all its security forces when the innocent civilians were killed and others tortured.

3.6 Political interference as a source of poor governance in Mt Elgon

There have been divergent views that there are political influences both on the allocation of the land and the activities of the SLDF. The controversial scheme has not been devoid of political intrusive and local leaders in the area have been accused of influencing the process in one way or another. This clearly shows lack of proper governance by the local leaders on matters concerning land as the politicians were freely involved in using the land issue as part of their campaign strategies. It was said by another respondent that;

The politicians have used land issues to be voted in right from 1980s and in 1992 there were clashes in the region after the

¹⁰⁴ Ibid.

and in 2002 the Mt elgon people continued living
of politicians using land as a ladder to leadership.
This did not make sense to use in 2005-2006 as the situation
worsened and these saw a new person forced into leadership with
hopes of getting the land issue resolved by the government. It was
not the same as the situation worsened as two rivalry politicians
Serut and Kapondi supported their cronies. It is from this that I
felt that governance we receive has never helped us to resolve this
issue of land in Mt. Elgon.¹⁰⁵

The politicians exploit this by firstly, having their political associates listed as beneficiaries in the scheme. Secondly some prominent personalities who could help in management of Land as a resource for the Mt. Elgon people were again key financiers of the dangerous SLDF, which was terrorizing residents of Mt. Elgon region. This contributed to the complication of the security situation in the region as the much dreaded SLDF was enjoying support and protection of some prominent personalities in the region.

It has however been difficult as each side was advancing their agenda and taking a hard-line stand as to how the problem in the scheme was to be resolved. The former area MP Hon Serut was greatly accused of putting his political supporters as beneficiaries to the scheme. One of the respondents at Cheptais said that;

Members of parliament are considered to be leaders who will help ensure governance is properly done in all areas that will see Kenyans enjoy their rights and particularly ownership of land. But our MP has turned into being a selfish and egocentric in mind as

¹⁰⁵ Gregory Magesa, Oral Interview at Cheptais on 16/6/2013.



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supporters to benefit from the piece of land at the

The poor governance in the region could also be felt during the constitutional referendum of 2005 when most of the people in Mt Elgon voted against the proposed constitution with the orange side garnering over 16,000 votes a fact that did not augur well with the former MP who mainly saw it as a rebellion towards him by his own people. Political rivalry is said to have intensified after the referendum as issue of land was at stake.

3.7 Governance a responsibility of the government

Governance as understood by the responded is the responsibility of the government. As such it was the responsibility of the government of Kenya under the constitution to protect her citizens from the atrocities committed by the insurgent group, the SLDF. The respondent felt that the injustices they are facing concerning the reallocation of land is as a result of a government that is less concerned with the Mt Elgon residence. The respondent also said that the government did not resolve the land issue by deployment of the police to restore order as the atrocities committed by the SLDF overwhelmed them. The reaction of the government dismissing the militia as thugs and criminals who would be dealt with firmly and conclusively did not sound well for the Mt. Elgon People as the insurgent group was well organized and terrorizing the residences. The government then deployed the Military to help calm the situation. Some of the respondent said that the government acted late and they felt that that was a sign of

¹⁰⁶ Fredrick Makas, Oral Interview at Cheptais, on 15/6/2013.

said that Land issue is stills a problem in Mt. Elgon as

Justice is still needed to be done.¹⁰⁷

However on conducting another research from the ministry of lands, the client of the ministry had this to say;

*I have had a problem with the way the government is handling land issues, I had to travel all the way from Eldoret to come and process my title deed here at Nairobi, this is because the piece of land that I am staying is found to have another title deed. I bought the land and I feel bad that this is happening to me.*¹⁰⁸

The government has not been able to stop cases associated with land since some pieces of land have been sold to several people hence hindering them to progress with their development. The bitterness that is found in these people is what leads to the formation of insurgent groups. This has been a failure on the side of government right from the grassroots. Another respondent at the land ministry had this to say;

*I bought land at Rwai and was given title deed, to my surprise, I was told that it was not the original title deed. I am threatened to move out of the land and yet I bought it using my own money, set up structures in it and that has been my home for the past five years. He said that this is why some communities have reorganized insurgent groups that will help them fight for their right to ownership of land. This is discriminative. I do not know what to say.*¹⁰⁹

¹⁰⁷ Focused Group discussion at Chepatai on 16/6/2013.

¹⁰⁸ Thomas Kioko, Oral Interview at the Ministry of lands Nairobi on 19/6/2013.

¹⁰⁹ Jonathan Makori , Oral Interview at the Ministry of Lands Nairobi on 19/6/2013.

gon eviction of some of the people who were land was a challenge and the decision to share the land to the residence as agreed door to door sparked the insurgent as one community (the Ndorobo) were favored and yet they were the minority. This did not please the Soy community who are majority hence the outbreak of the conflict. This can be the case in Rwai which has many controversial cases on land.

3.8 Efforts of East African Community in curbing Insurgency

The East African Community has been involved in many activities that are focused at smooth running of the region. This ranges from security to economic development. The interest of this section is to look at the efforts that East Africa communities have done to help in curbing insurgency.

East African Community has made the disarmament process as mandatory to following threats from any insurgent group that are in East Africa. The Insurgent groups in East Africa have been of damage and lose as they have brought down development process. For instance the Mt Elgon case, the SLDF threats destabilized all the activities in the region as intervention was sought. The business at the border of Kenya and Uganda was also destabilized as there were fears of more weapons getting to the region. Disarmament has therefore been taken positively by the EAC as each nation has to order for the disarmament of any insurgent group in their territory.

However, being involved in Small Arms and Light Weapons trade is also not accepted by the EAC since it is a business that has facilitated in regrouping of these insurgent groups. More so, tight border security has been another step taken by the EAC and this has



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g the border. Interviewing one of the Kenyan citizens said

that,

The formation of East African Community was important and it has set rules that have reduced cases of insurgency as illegal businesses are no more allowed and security has also been well set in along the borders.¹¹⁰

It is also important to note that EAC have also managed to curb the insurgent groups by ensuring that each country has standards that will allow equitable distribution of resources. It is also clear that each piece of land owned by a person documents in form of deeds of ownership are given to avoid cases associated with land grabbing. However, there are still questions on land at the border such as Migingo island in lake Victoria which Kenya and Uganda are still fighting for. Though the piece of land belonged to Kenya, the government of Uganda has remained adamant on the issue hence sending its armed forces to guard the land. This has been followed with conflicts between the two armies resulting to injuries and deaths. It is imperative to note that other members of EAC have failed to commend on the issue thus the question on how successful the efforts they are putting forward to curb insurgents will be.

3.9 Conclusion

Land as a resource has been so vital to many families and nations. In Africa land is treasured and no one would wish to lose it to another person. Land to the people of Mount Elgon was misgoverned as the issue of resettling the Ndorobo in Chebyuk

¹¹⁰ Monicah Muthoni Oral Interview at Nairobi on 26/6/2013.

insurgent group broke up threatening lives of innocent people. Not only in Mt. Elgon was land governed but also in Mombasa, North Eastern province and many parts of Africa e.g Rwanda genocide 1994.

This chapter therefore, presented the history of land conflict in Coast Province and Mt. Elgon back from 1971. It has gone further to discuss how land issue has been a problem all through and it was noted that after every general election the Mt. Elgon people were prepared for violence. This was due to the fact that Land was a tool of campaign by politician and the promises they made never materialized. The chapter has shown how poor governance contributed to the worse conflict in Mt. Elgon in 2007 as the Insurgent group SLDF was formed. Though the aim of the group was to defend the land, the objective was never achieved as the insurgent group diverted its anger to civilians killing and torturing them.

The formation of the insurgent group has therefore been as a result of poor system of governance in Mt. Elgon. As such, the government did not respond to the issue of land in Mt Elgon as it was required instead it took its time to respond to the matter which the Mt. Elgon people still feel that it was not resolved. However, the political wing which was believed to possess the leadership skills and ready to defend the grievances of the residence was on the lead turning against hem as they made promises which were not fulfilled. The development which the Mt Elgon people expected from them were never seen as the region is one among those with poor infrastructure as more time has been spend on issue of land forgetting about other development in the region.



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Chapter to look at the governance as a responsibility of the state in coordination with its grassroots leaders. The chapter therefore, makes it clear that land issue in Mt. Elgon resulted into formation of SLDF as a result of poor governance as the politician under the influence of the government took advantage of Mt. Elgon residence by not handling the land issue in a professional way but by cheating on the poor residence of the region.

POOR GOVERNANCE EFFECTS ON THE VICTIMS

4.0 Introduction

This chapter is dedicated to data analysis and interpretation. The data that was collected from Mt Elgon, Members of Mombasa Republican Council and views of other Kenyan Citizens on what the governments in East African Community have done to curb the insurgency that is common in the region. The analysis and interpretation will be followed from the theory used in the study as well as the chapter three which basically dealt with the data that was collected from the field. The second chapter which talks about EAC in general will also be of help in the analysis and interpretation of this data.

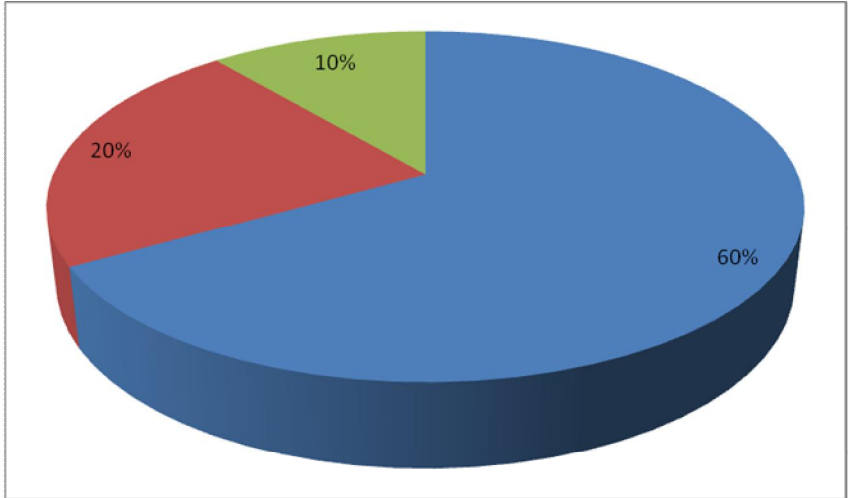
All in all the data that was collected from the Ministry of Land offices in Nairobi, from Mount Elgon and East African Offices in Nairobi will contribute much in the development of this chapter. The analysis will depend on 30 respondents interviewed in Mt Elgon and focused group discussion, 10 respondents from the Ministry of Lands and 2 from East African Offices in Nairobi. The study involved mostly youthful and elderly persons.

4.1 Victims of Land issue in Mt Elgon

The Mt. Elgon has long-standing dispute over land ownership that has sparked violent clashes within communities, causing displacement and deaths. It was noted by the respondent that tensions had worsened as early as January 2007. The victims of the clash

respondents said that the clashes were as a result of disagreement over a land settlement issue, 20% of the respondent said that the government contributed to the spark of the clash and 10% said that some individuals were not legible to get land in the settlement scheme. The respondent also said that the Soy clan had traditionally resided in the lowland areas of Mt. Elgon and were seeking the eviction of the Ndorobo, who resided in highland areas of the mountain. This contradicts chapter two where we clearly see that the major cause of land conflict in Mt. Elgon is poor governance yet these findings show that it's not by getting a percentage of 20% and showing that people disagreeing on land among themselves is the biggest cause of conflict. The chart below is an illustration on what sparked the land clashes in Mt Elgon as per the findings;

Pie chart (fig4.1)



Key

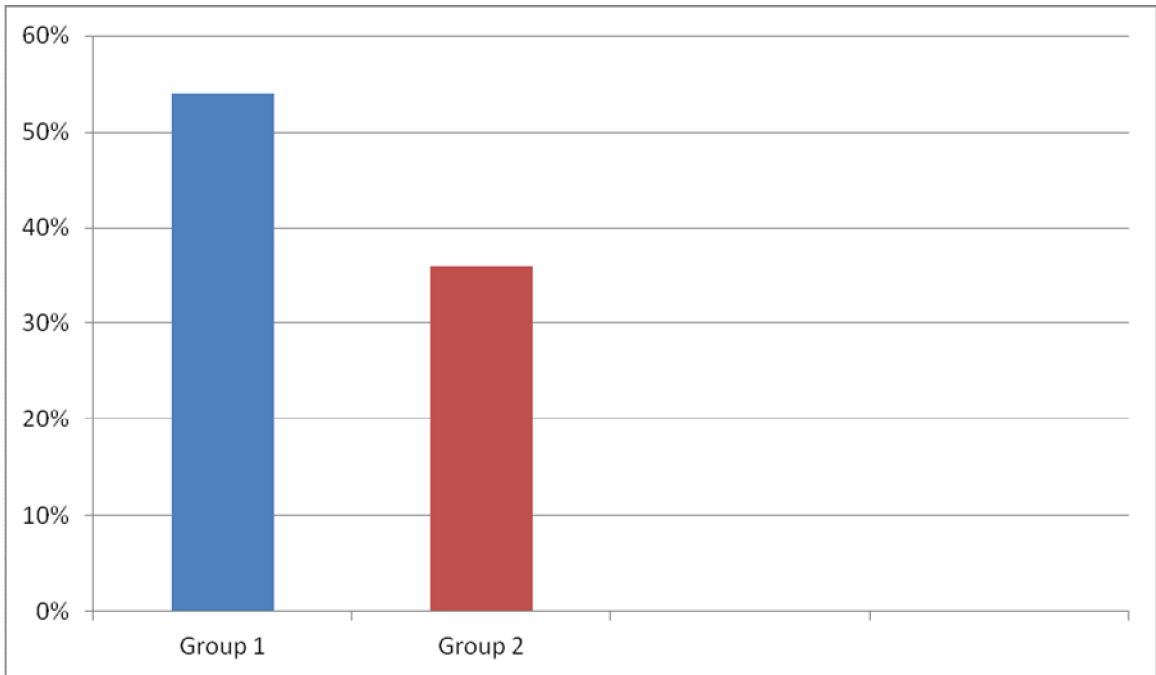
- 60% Disagreement on land
- 20% Poor governance
- 10% Illegibility to get land

Torture and shooting

From the respondent, over 10,000 families were affected as a result of the formation of the SLDF insurgency group which was violent in the region as there were increases in killings associated with torture and shooting. The insurgent group made life difficult for the people of Mt. Elgon as roads and social amenities were inaccessible. This contributed to death of young children as a result of malaria, pneumonia and upper respiratory infections attributed to the cold Mt. Elgon weather. The victims said that they had to seek medical care in the Bungoma and Webuye hospitals.

This is clearly shown in chapter two where people were displaced and forced to live in dismal conditions hence exposing their lives to sicknesses. We also see in the same chapter that most of the victims in the region are still IDPs.

54% of the victims interviewed said that they have live a vulnerable life as their houses were burned, food stocks destroyed and their livestock and livelihood threatened. 36% said that they have not even gotten that piece of land which was a cause of the clash. They further emphasized on the fact that the government system has not bothered coming to help them rebuild their lives and this clearly shows how the aspect of poor governance is still felt by the Mt. Elgon People.



Key

54 % live vulnerable live since all their assets were destroyed

36% never got any piece of land after the clash

4.1.2 Arresting of the Militia

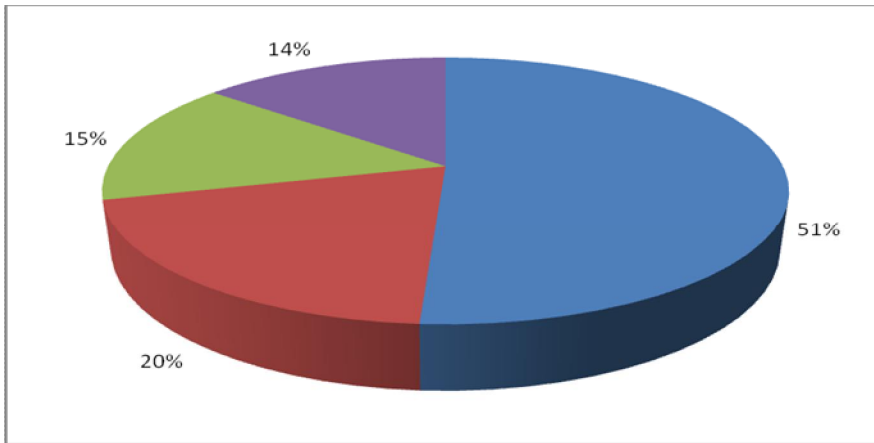
According to the respondents 51% of the victims said yes they were arrested and released shortly after. So they are free and this leaves them wondering who will come for their rescue because they can repeat what they did before. 15% said yes they were arrested and they hope justice will be done. They added that the military killed some of LRA top commanders, including its deputy leader and its spokesman. 14 % said none of them were arrested because they were liaising with the police to cause mayhem instead police kept killing innocent people. 20% say they do not know whether they were

on has never been the same. People still leave in fear and this makes them wonder if the insurgents are out at large or not.

In the previous chapters above especially chapter two when the military was deployed there, so many militia and other suspects were arrested and released e.g. the former Mt. Elgon member of parliament Kapondi was a suspect but he was arrested and released shortly after. So the majority respondents here are the 51% who are confirming what most scholars have said above in other chapters.

The pie chart below illustrates:

Pie chart (fig 4.1.2)



Key

- 51% Militia were arrested and released shortly after
- 20% Do not know whether the militias were arrested or not
- 15% Militia were arrested and they hope justice shall be done
- 14% No militia were arrested since they were liaising with police to cause mayhem

by the Government

when the victims were asked in the questionnaires if they were compensated by the government 100% said no, they are still waiting to hear from the government since the cases have still not yet come to a conclusion. One is left wondering, how long the cases will take to be resolved.

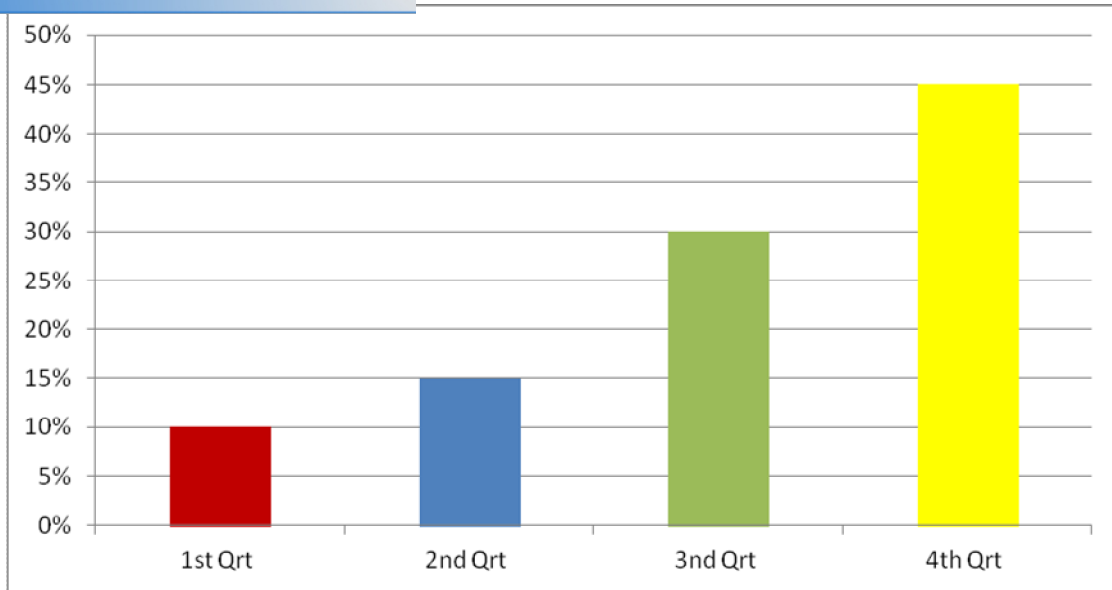
In our chapter two, there is no where we have been told that the victims were compensated by the government. So this justifies it.

4.1.4 How the victims were attacked

About how they were attacked and the time, 45% of the victims said they were attacked at night in their houses and some of their family members were killed by machetes and knives. 30% said they were also attacked at night and their houses set ablaze and lost some of their family members. 15% said they were attacked day time on the road by a group of militia who just started beating them with blunt objects and killed some and some escaped. Lastly 10% said they were not attacked since they were away from the village but they received calls of losing their loved ones during the attack. This leaves one wondering, where the police force or the army was.

In our chapter three above all these crude killings were mentioned by the victims and its clear from their faces that they need help since they are scared the issue was not well resolved it can easily reoccur.

See illustration below:



Key

45% attacked at night and their people killed by machetes

30% attacked at night and their houses set ablaze

15% attacked day time and beaten by blunt objects hence some died

10% never attacked but lost their people

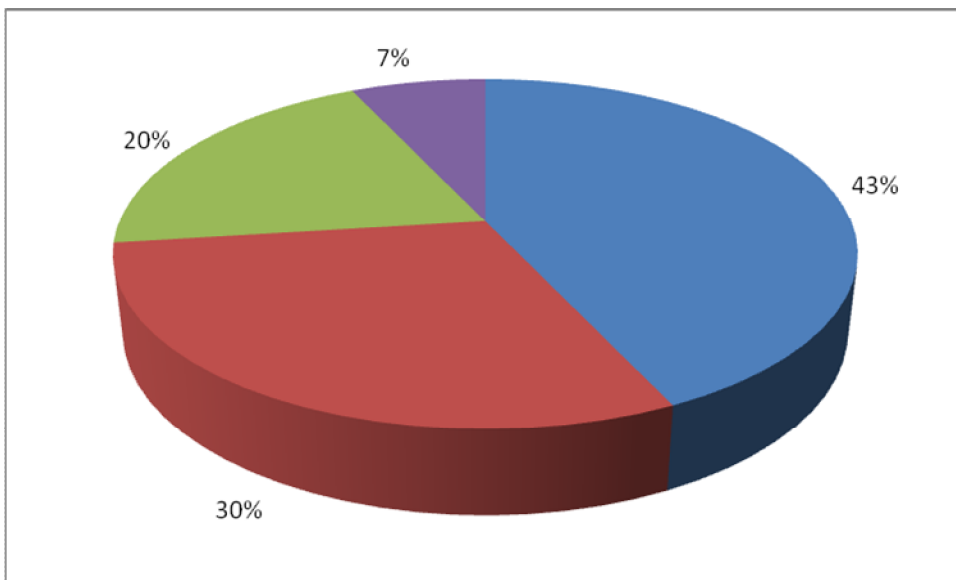
4.1.5 Mt. Elgon data presentation from militia

Following the data analysis and interpretation, it was noted that 20% of the respondents said they were among the founders of the militia since they could not seat and watch their land being taken away especially after they were resettled there and assured that was their land. So they accepted they sat down and advised their sons that they need to come together and fight for their land. This was done by them taking oath

take oath. 30% said they were forced into the group and threatened to be harmed if they do not cooperate.

The other 7% said they never joined the group as such but whenever their community members went out to cause havoc in the name of protecting their land them they remained to take care of their homes by ensuring no stranger comes along and in case any strangers show up they could kill them even without knowing exactly what the strangers wanted. This they did because they had been instilled fear by their elders that any stranger was to harm them. The pie chart below illustrates the data;

Pie Chart (fig 4.1.5)



Key

- 43% Never formed the group but were recruited
- 30% Forced to join the group and threatened to be harmed if they don't cooperate
- 20% Among the founders
- 7% Never joined the group at all

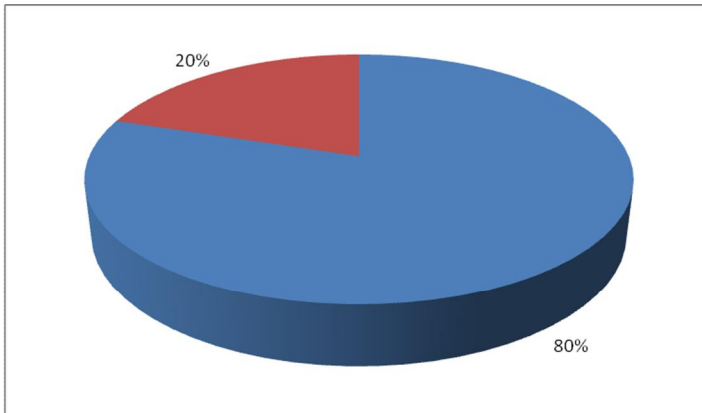


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It was surprising to note that, when the respondent were asked if they thought the illicit groups would offer any help to the community and what some militia say was horrific. Almost 80% said they knew their group will offer solution by killing the people from other communities and instill fear in them hence keeping them away in that they will refuse to be resettled on the same land. They strongly believed in themselves because they were not in this by themselves but together with some senior government officials who even volunteered to finance them. None mention the government officials.

The other 20% said they were so certain that the war would lead them to nowhere but they were doing it for fun and for money. When the community is trembling that makes them happy. Among them some said they did not care if they die too because as they were killing people they realized life is useless hence they became heartless. As said by the 80%, land was the major reason of insurgency, in chapter two above the scholars are particular, and they say unequal distribution of land led to formation of insurgents. See the illustration below:



Key

80% said land was the major reason for insurgency

20% said they were doing it for fun.

4.1.7 Was it the Army or Militia Killing the Locals?

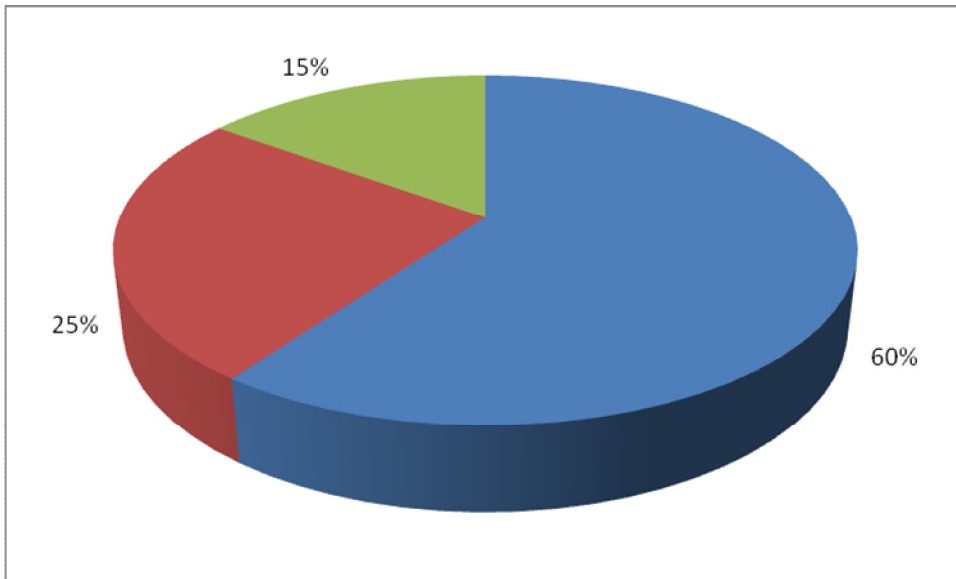
When asked if it was the army or militia killing people in Mt. Elgon, 60% said it was them (the militia) killing people and not army. They admitted that the army mistreated people too.

However, 25% of the respondent said both the army and the militia were involved in killing people and in most cases these were innocent people who were not associated with the militia in any way. The other 15% of the respondent said the militia was not killing people at all but they were causing a lot of disturbances. They claim during the conflict no one died until the army was deployed. So in summary they claim only the army killed and not the militia.

...t clearly indicated who killed who more and who did not kill more but its said there were killings from both the army and the militia.

See illustration below:

Pie Chart (fig 4.1.7)



Key

60% The militia involved in killing of Mt. Elgon people.

25% The militia and the army were involved in killings

15% the militia not involved in killing but the army did

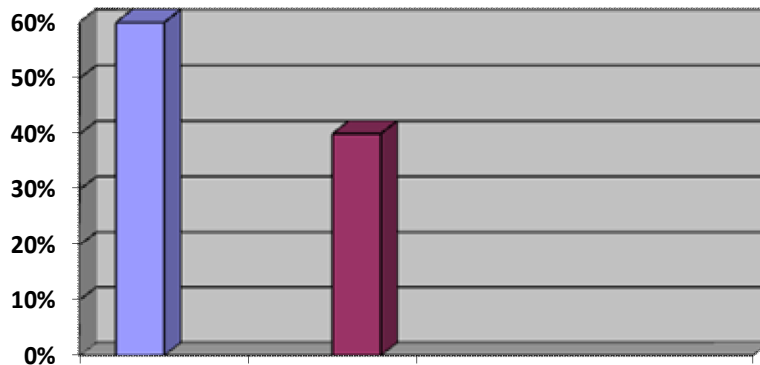
Conflict in relation to Mt. Elgon

When the respondents in Mt Elgon were asked whether they have heard of Tana delta conflict which is also alleged to be associated with land issues, 60 percent said yes, while 40% said no.

Those who said yes said that the Tana Delta conflicts have been taken lightly just like the government took the Mt Elgon conflict. They felt that the governance system is doing more harm than good to the citizens of this country.

Those who said no said that though they have not heard of the attacks in Mt Elgon, they feel that the government should respond quickly and salvage the situation before it gets worse as it was in Mt Elgon. The bar graph below illustrates

Bar Graph (fig 4.1.8)



Key

60% Yes

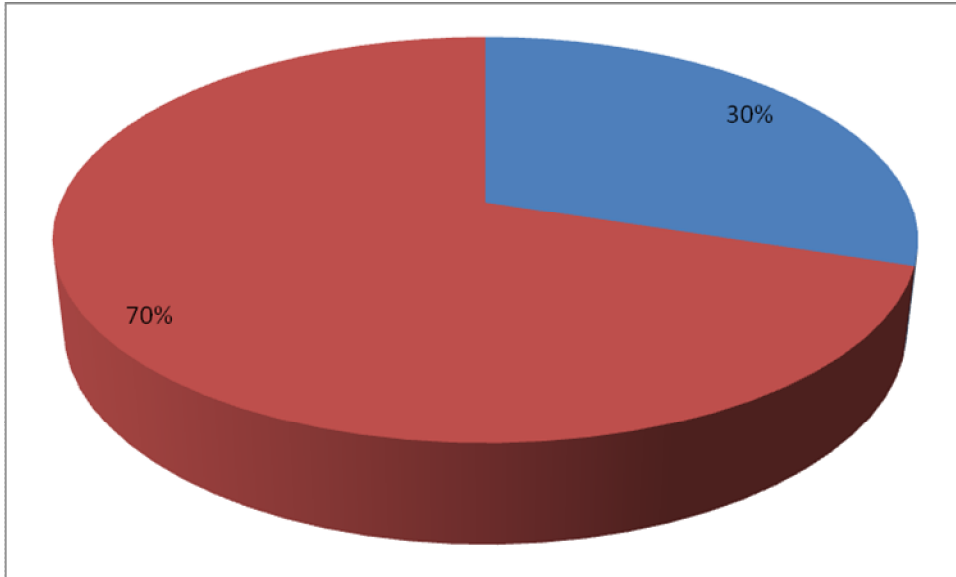
40% No

ya

here I talked to a few ministry officials who had different views on different issues. This happened after I was given permission by the manager in charge of research in the ministry.

4.2.1 Awareness at the Lands Ministry

While in the field and particularly at the ministry of lands the respondents who were interviewed noted that the ministry of lands is so aware of cases of land which has resulted into conflicts in the country. 70% of the respondents said that the Ministry of lands is aware of land issues that have resulted to conflict in different parts of the country. The respondent said that the governance system in the country seems to control most of the activities of the Ministry of Land for the benefit of the rich as the poor end up suffering. However, 30% of the respondents said the ministry is not aware of conflicts that have risen in the country since some of the deeds of ownership have been produced illegally and this makes it difficult for the ministry to know. It is the ignorance of the people who wish to get deeds of ownership that prefers shortcuts that have landed them in conflict on matters related to land. The pie chart below shows the percentage of respondents on Ministry of Land aware of conflicts related to land in Kenya.



Key

70% Aware of land conflict

30% Not aware

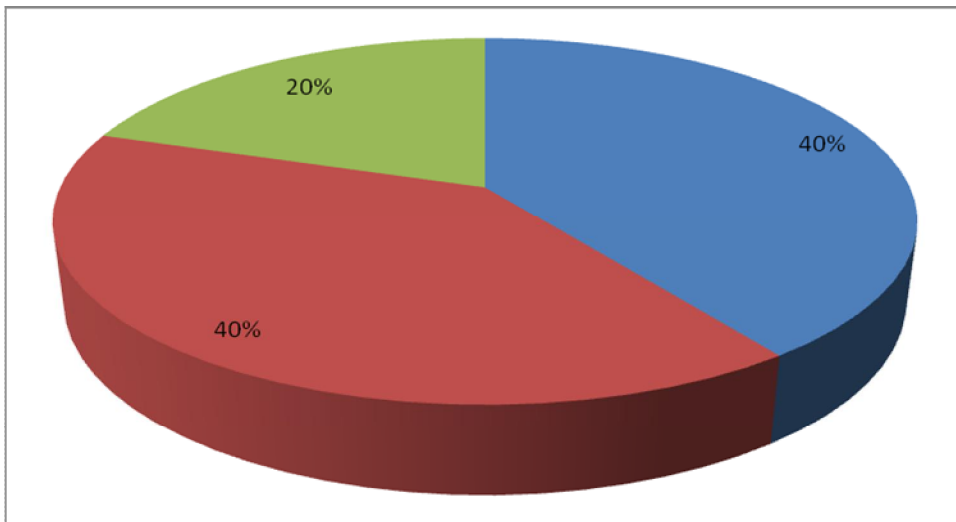
4.2.2 Issuance of Title Deeds

Some ministry respondents said that the ministry is ensuring that valid and original title deeds of ownership are given to the rightful owners of land. On the same not the ministry has set up branches in each district to help facilitate in issuance of land title deeds through a standardized method which includes search for the plot numbers.

However, the respondent from the ministry of land said that due to poor governance the services have been slow as the workers have not shown dedication in ensuring that clients are served in a professional way. On the same not the workers in some department have lacked knowledge of the problem presented to them by clients on issues pertaining land

the ministry of lands in Mt Elgon said that demand for a bribe from the workers has been the only means through which some people are cleared and given title deeds. This has been difficult for the poor who have a piece of land and has no ownership deed. 40% of them affirmed that they have made several visit to the ministry to acquire the deed of ownership but all has not been successful. 40% of the respondent said that they had to bribe for them to be assured of getting the deed of ownership while 20% said that it was their first time to visit the ministry so that they can acquire ownership deed as they are facing threats of being evicted from their piece of land. The chart below shows those who have paid bribe, those who have made several visits to the ministry without success and those who had visited the ministry for the first time.

Pie Chart (Fig 4.2.2)



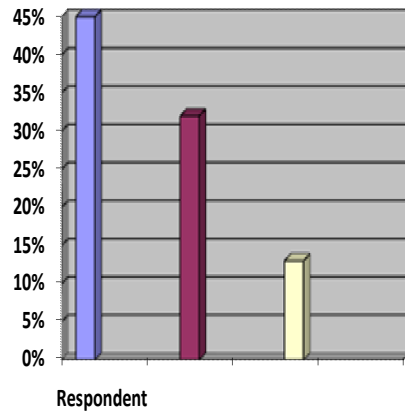
Key

- 40% Bribe to get title deeds
- 40% Made several visits to the ministry
- 20% First visit to the ministry

insurgence

Since governance, land and insurgence are the key words in this study, some of the respondent who were interviewed at Lands ministry headquarters in Nairobi were analyzed and it was found that 45% of the respondents said that governance has been the problem when it comes to issues of land such that equitability and justice that each people want gets shade off as a result of poor governance. 32% of the respondents said that the land buyers are the problem as they do not follow the correct procedure when it comes to acquiring land and thus making it difficult for the governing body to know who really owns that piece of land.

While 13% of the respondent said that insurgent groups come into existence as a result of losing trust from the governing body. This is the only way forward according to the 13% of the respondents that they can use to get their land back. The graph below illustrates the respondent's ideas;



Key

45% Poor governance and corruption

32% Buyers use unclear way to acquire land

13% insurgent as way forward since they lost trust in government.

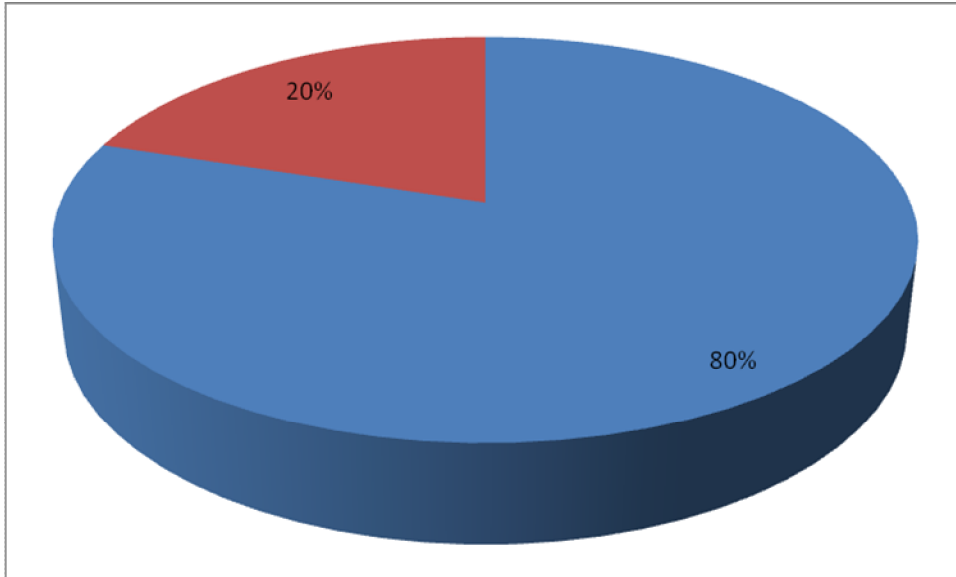
4.4 Politics

Political interference has been an issue concerning land in East Africa, 80% of the respondents interviewed said yes as they gave example of Mt Elgon where land was used by politician as a campaign strategy. However, 20% of the respondents said no because politicians are not the ones who own that particular piece of land but it is owned by a community or an individual.

Most scholars in our previous chapters have researched and their findings are as equal as those of the majority respondents here who say political interference is a major contributing factor to land conflict

ese;

Pie Chart (fig 4.4)



Key

80% agreed that political interference has been a major issue contributing to insurgency over land

20% said no political interference

4.5 East African Community efforts in curbing insurgency

The respondents were also asked whether East African Community has done anything to curb the formation of insurgency in the region.

It was 54% of the respondents who said NO since the East African Community seems to be independent when it comes to cases of conflicts associated with the formation of the insurgency.

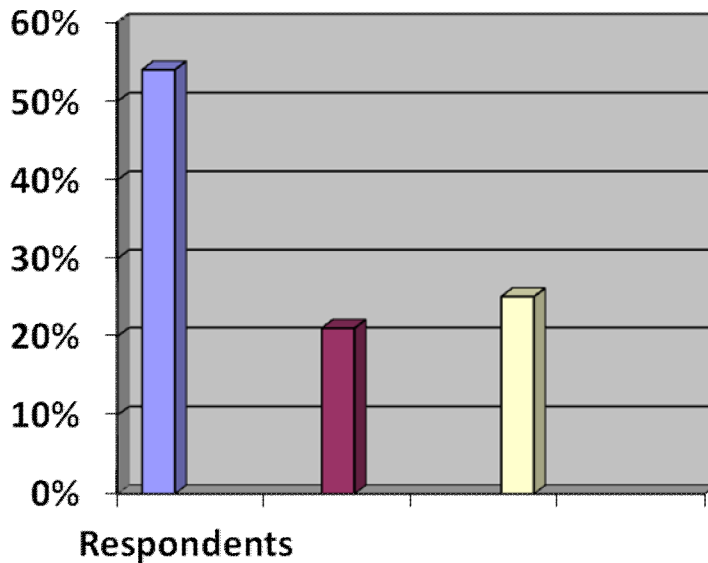
the case of Migingo Island which has seen Kenya and Uganda still at loggerheads. 21% of the respondents said YES arguing that the East African Community has ensured that there is proper security at the border and it has also minimized the inflow of small arms and light weapons into the region.

However, the remaining 25% of the respondents said they do not know whether they are doing something or not.

In chapter two we see the EAC major role is to ensure safety of its people. So in one way or the other they have assisted even though it is not significant.

The graph below will illustrate:

Bar Graph (fig 4.5)



Key

54% Said no since EAC is so independent

21% Said Yes

25% Said they do not know

It is important to note that East Africa Community has also had challenges in implementation of their own policies. This therefore shows that Land policies in East Africa Community have been a challenge and all in the name of governance. The governance system has been different among the EAC hence reason for the challenges. When interviewing some officers at the East African Community offices in Nairobi, 57% of the respondents said that East African Community as a region it is still growing and this is the reason why cases of insurgencies are present in the region. The 43% of the respondents noted that governance is to blame for all insurgencies that have coped up in to threaten lives of people in the region.

The governance issue has been discussed in chapter two and depicted as the major cause of conflict over land.

As such EAC is faced too with a governance problem which arises from the member states. On interviewing the respondent concerning the governance system among the East African Community, 27% of the respondents said that governance has been very poor in Uganda, 25% said governance in Kenya has been poor, 6% said that Tanzanian government was also poor at a point as 22% Rwanda and 20% Burundi have poor governance system.

4.6 Conclusion

When analyzing these sentiments carefully it was realized that the communities experiencing land clashes are blaming their government for their misery. Most of them

the government for deploying military that they thought was their hope yet it inflicted more pain on them.

The victims of land conflict say as long as the government is corrupt and maintains corrupt politicians they therefore don't hope that one day they will be given land equally. And with this believe the majority still maintain they will fight for themselves to get back their land.

Majority of them say the conflict started from colonial times when they were disinherited from their mother land thus historical injustice. But they never fought instead they chose to work closely together for their own betterment until the government came in to disrupt in the name of helping to resettle them.

Majority of the victims say they were never compensated by the government for their things that they lost during the war. They are languishing in poverty since they have become squatters. They say some of their land was put to be a game reserve and the other big part of it belongs to politicians.

So the big question is, will insurgency at Mombasa, Mt. Elgon and many parts of East Africa that is as a result of poor land governance get to an end? My answer is, it will only get to an end if the politicians stop being greedy and have their people's problems at their hearts, hence working hard to resolve them. The government also should come up with policies that prevent unequal distribution of land and ensure no one owns land exceeding certain portion. This way people will live peacefully with no grudges against each other hence reduce insurgency.

ned left, right and center yet they are the opinion leaders who are supposed to resolve this matter and ensure people of Sabao are safe, then who will resolve this case once and for all?

To me it is about time that the governments concerned should own up to their full responsibilities and ensure that they liaise with the International Communities together with the Non-Governmental Organizations to ensure that insurgency as a result of land is totally curbed.

However, higher percentage of the respondent noted that poor governance has been the cause of rise of insurgency and as some of them supported that the formation of insurgency was only a way to raise their voices. In addition to that it was realized that poor governance is high in Uganda which leads with 27% followed by Kenya with 25%, Rwanda 22%, Burundi 20% and Tanzania has been considered to have an improved system of governance and it was rated at 6%.

Since Tanzania is the country with an improved system of governance, other EA countries should learn from them the strategies that they are using and implement them immediately for the betterment of their citizens.

CONCLUSION AND RECOMMENDATIONS

5.1 Summary of the Findings

This project was conceptualized around governance and land issues as emergent dimensions of insurgencies in East African region. It aims at making the readers understand that governance has a hand in increased cases of insurgencies in East Africa and Africa as a whole. As such the project has demonstrated that insurgencies have been present in East African region and for this Study the Coast Province and Mount Elgon insurgency in Kenya were sampled hence discussed among many other insurgents in East Africa. It was therefore of significant for this study to examine on the relationship between governance, land and insurgency. It was also to determine efforts the governments in East African Community have done so far in curbing the insurgent groups that have been arising from land conflict within the region.

5.2 Discussion on Findings

The study analyzed some conflicts in Eastern Africa revealing other causes of conflicts with the major cause being the natural resource based conflicts. It discussed further the natural resource based conflicts in which one realizes that land is the core one since it holds water and provides major livelihoods to the people. It was also noted that the political leaders in Eastern Africa as a whole are also very greedy to own large chunks of land and this has influenced the youths to fight for their own benefit. The study noted that most of the youths have been idle and jobless due to lack of proper education

form insurgent groups as a source of livelihood or easier for them to be used by greedy politicians to cause chaos in the name of protecting their land.

It has also emphasized on the need for East African governments to come together create a center or a forum to educate leaders on how they should curb the land menace by ensuring it is equitably distributed, they have to fight to empower people who elected them and free them from poverty and other impacts that are associated with insurgencies. It also encouraged for security personnel to be involved in restricting any perpetration in the formation of the militia groups. Similarly, students should be taught other ways of acquiring their livelihoods that is totally different from land. The study went further to discuss the importance of educating the public on the land issues so that the public should know who owns what size of land. The study noted that this will help reduce land crisis hence conflict rates will go down.

The study has also noted that land issue has developed historic things in relation to insurgency that have caused conflict and insecurity in EAC. It has gone further to discuss the SLDF formation in Mt. Elgon and the system of governance and the MRC too. It has also discussed how political interference has been a source to poor governance in East Africa and Africa as a whole. It also elaborated on the fact that it is the responsibility of the government to ensure proper governance on land division.

It has emphasized on the existence of a number of efforts by East African Community in curbing insurgency. The efforts have been aimed at reducing the cases of insurgency that have been common in East Africa. Indeed many of these efforts have been developed by

governments of the EAC members states such as Kenya which is dealing with several insurgencies due to land among them The Mungiki of Central Province, Baghdad of Luo Nyanza, Sungu Sungu of Kissii, Musumbiji of Western Province, MRC of Coast and many others.

5.3 Conclusion

In order to achieve the focus of the study, the study brought on board the background of the land issues and insurgency in East Africa. It also deliberated on Kenyan situation on land issues and the formation of insurgency. Similarly it has noted how Rwanda genocide in 1994 was instigated by land issues and how EAC has handled the case of Rwanda genocide. The study emphasized on the modernization theory in Rwandan conflict as it went further to discuss, Uganda, Tanzania land issues and Kenya which has been faced with land issues more in the region. This was narrowed down to Mount Elgon and MRC. It was by doing this that the research intended to extrapolate that there has been need for East African region to curb the insurgency and improve on governance within the region.

The study put into account the understanding of other Mount Elgon region and how the SLDF was established in the district affecting other neighboring districts within Bungoma County.

The research therefore set up to realize the main objective and two objectives, firstly to analyze how poor governance of land in East Africa has consistently led to the emergence of several insurgent groups which cause threats to insecurity. Secondly to determine how governance, land and insurgency are related; and thirdly to determine

describing the insurgent groups arising from land conflicts. The research revealed that the poor governance in has been key to the rise of the Land conflict and formation of illicit groups. This has been as a result of the desire of the communities to fight for the historical injustices that have remained unresolved in the region. Poor governance of land results into displacement of families, loss of lives, injuries and trauma experienced in the region.

The research contends that there has been always poor governance in EA region which resulted to land conflict and formation of various insurgent groups. Conversely, it discusses the efforts that Kenya government has done to deal with the insurgents. EAC has focused at smooth running of the region by establishing security to economic development in the region. It has also encouraged disarmament process to insurgent groups and eliminates the issues of the proliferation of small arms and light weapons in EAC. These among other efforts have added value to the intent of the study.

The study observes that Mt. Elgon SLDF just like any other insurgency had intention that were security threatening. The study revealed that the SLDF is also associated with land which have been noted with cases from respondents that the insurgency caused death and displacement to number of people

The study has deliberated on land as a resource which has been vital to many families and nations. It emphasizes on land as a treasured commodity and no one would wish to lose it to another person.

The emphasis were also placed on how the political wing which was believed to possess the leadership skills and ready to defend the grievances of the residence afflicted in EA



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them as they made promises which were not fulfilled e.g it happened in Sabaoi.

The research also looked at the governance as a responsibility of the state in coordination with its grassroots leaders. It makes it clear that land issue in EA always result into formation of insurgents as a result of poor governance as the politician under the influence of the government take advantage of residence by not handling the land issue in a professional way but by cheating on the poor residence of the region.

The approach in this study is drawn from Human Need Theory as explained by Deininger who states that the distribution of property rights has a major impact on equity, identity and productivity. It is evident that inequitable land distribution, land tenure problems and weak land administration can lead to violent conflict due to severe injustice. This theory here is depicted when we see land as a major human need.

It has emphasized on the Human Need Theory that has been highlighted in several aspects as human beings heftily depend on land as their major livelihood especially the non industrialized countries depending on supplying their raw materials to industrialized countries. The concept shows how over dependency on land and poor governance by human beings arise to conflict which in the process leads to emergence of insurgent groups.

The study also conducted data analysis in which it revealed the sentiments that many victims of land conflict always blame the government for their misery. It shows how most of them are so bitter with their governments for deploying military that they thought was their hope yet it was different.

The government is corrupt and maintains corrupt politicians and that there is desire for the residents that one day they will be given land equally. This illustrated how the residents believe they will fight for themselves to get back their land. The study also discussed how majority of the people affected say that most land based conflicts in EA started from colonial times when they were disinherited from their mother land thus historical injustice. But they never fought instead they chose to work closely together for their own betterment until the government came in to disrupt in the name of helping to resettle them.

It also elaborated on how the victims say they were never compensated by their governments for their things lost during the war. It reveals how they are languishing in poverty since they have become squatters with part of the land was put to be a game reserve and the other big part of it belonged to politicians.

In the preceding sections the study has attempted to map the causes and trajectory of the conflicts in EA. It is clear that land tenure system, is the root cause of the conflict. This relates to the colonial legacy of land dispossession and the failure by the post-colonial government to compensate or resettle people. It has engendered feelings of injustice among people, some of whom remain landless. The analysis has also indicated that pre-existing conditions incubated the conflict, including a history of violence and militarization in some areas due to availability of security of land tenure, geographical position and structure of the local economy. It is the interaction of these factors that explains why what seemed on the face of it to be purely a conflict about land, at times assumed political and criminal dimensions and expanded its geographical reach.

g question on how land issue is as a result of poor governance. Indeed the study notes that these will come to an end if the politicians stop being greedy and have their people's problems at their hearts, hence working hard to resolve them. The government also should come up with policies that prevent unequal distribution of land and ensure no one owns land exceeding certain portion. This way people will live peacefully with no grudges against each other hence reduce insurgency.

5.4 Recommendations

The problem of insurgency in EAC can be eliminated. It will however take time, money and a combined effort on the part of many people. Organize free after school programs such as: sports, art, internships in local area businesses and professional organizations, interesting volunteer activities in the community would help engage youths in worthwhile pursuits outside of school hours. More job opportunities for youths, especially those funded by the state and local programs would offer income for teens and youths as well as productive work for the community. Outreach to families through schools, community organizations and places of worship would help promote intergenerational activities that could improve family closeness, helping youths and the teens to work at the family level instead of taking them to the streets. If these programs are implemented we will surely see a decrease in insurgencies hence safer neighborhoods for us all.

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

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

The state should help displaced persons to resume normal lives. Many of them lost their livelihoods and face starvation because they are unable to cultivate crops or farm; government services are unavailable; schools remain closed; and health facilities are overstretched. A way should be found to compensate innocent civilians who lost property in the conflict as a result of either the activities of the insurgents or police arson. A clear, transparent and consultative mechanism for assessing such losses should be worked out. This should be done in the context of the countrywide program for resettling post-election internally displaced persons. Otherwise, questions on why the plight of victims of post-election violence in Mount Elgon is not being considered along and with the same urgency as that of others may grow louder and further complicate the situation.

In particular, efforts should be made to find a way of engaging the district's growing young population in productive activities, including entry into the informal sector. Such an approach will make the 'insurgency economy' like Mungiki based on extortion, informal taxation, protection fees, confiscation of property and the like less

...yed young men. The attraction of the conflict to these young men who found involvement in criminal activities to be the only viable means of economic advancement, subsuming issues of legality and morality, would in this way be substantially reduced.

Above all, the governments involved should fight corruption through all means and ensure there is equitable distribution of land and any politics on land be ceased. The perpetrators of land conflict should severely be punished because this will discourage other people from doing wrong.

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